



Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION MEETING AGENDA December 20, 2017

Tom Baker Meeting Room

5:00 p.m.

City-County Office Building

Item No.

Page No.

MINUTES

1. Consider approval of the minutes of the November 15, 2017 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA CONSIDERATION

The following items are requests for a public hearing.

2. Heritage Ridge Second Addition (DN) 1

- Zoning Change (A to R5 & RM15) | ZC2017-024

Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny

- Preliminary Plat | PPLT2017-008

Staff recommendation: tentative approval ☐ tentative approval ☐ continue ☐ table ☐ deny

3. Heritage Park Second Addition (DN) 9

- Zoning Change (A to R5, R10 & RM10) | ZC2017-025

Staff recommendation: schedule a hearing ☐ schedule a hearing ☐ continue ☐ table ☐ deny

- Preliminary Plat | PPLT2017-009

Staff recommendation: tentative approval ☐ tentative approval ☐ continue ☐ table ☐ deny



4. **Boulder Ridge Eighth Addition (WH)**17
- Zoning Change (A & R5 to R5, R10 & P) | ZC2017-026
Staff recommendation: schedule a hearing ☐ *schedule a hearing* ☐ *continue* ☐ *table* ☐ *deny*
 - Preliminary Plat | PPLT2017-010
Staff recommendation: tentative approval ☐ *tentative approval* ☐ *continue* ☐ *table* ☐ *deny*
5. **Size Requirements for Accessory Dwelling Units –**
Zoning Ordinance Text Amendment (DN) | ZOTA2017-012.....25
Staff recommendation: schedule a hearing ☐ *schedule a hearing* ☐ *continue* ☐ *table* ☐ *deny*

REGULAR AGENDA

FINAL CONSIDERATION

The following items are requests for final action and forwarding to the City Commission

6. **Part of Promontory Point VI Addition – Phase I (DN)**
Annexation | ANN2017-006.....31
Staff recommendation: approve ☐ *approve* ☐ *continue* ☐ *table* ☐ *deny*
7. **Part of Silver Ranch Addition – Phase I (DN)**39
Annexation | ANN2017-007
Staff recommendation: approve ☐ *approve* ☐ *continue* ☐ *table* ☐ *deny*

PUBLIC HEARINGS

The following items are requests for final action and forwarding to the City Commission

8. **Lot 15, Block 2, Southwood Terrace (DN)**
Zoning Change (RM30 to CA) | ZC2017-019.....43
Staff recommendation: approve ☐ *approve* ☐ *continue* ☐ *table* ☐ *deny*
9. **Lot 2, Block 1, Boulder Ridge 5th Addition (JW)**
Zoning Change (R5 to RM20) | ZC2017-020.....53
Staff recommendation: approve ☐ *approve* ☐ *continue* ☐ *table* ☐ *deny*
10. **Lots 4 and 5, Block 1, Duemeland's Third Subdivision (JW)**
Zoning Change (MA to MB) | ZC2017-02157
Staff recommendation: approve ☐ *approve* ☐ *continue* ☐ *table* ☐ *deny*
11. **Part of the N1/2 of Section 17, T139-R80W/Hay Creek Township (Klee)**
Zoning Change (A to R5, R10, RM10, RM15, RT, Conditional RT & Conditional CA)
ZC2017-02261
Hay Creek Township
Staff recommendation: approve ☐ *approve* ☐ *continue* ☐ *table* ☐ *deny*

12. **Part of the NW1/4 of Section 16, T139N-R80W/Hay Creek Township (Klee)**
Zoning Change (A to R5, RM15, RT and Conditional CA) | ZC2017-02383

Hay Creek Township

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

13. **Lot 1, Block 1, Legacy Addition (WH)**
Special Use Permit (Child Care Center) | SUP2017-00797

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

14. **2014 Growth Management Plan Amendment - Urban Service Area Boundary and Phasing Plan (DN).....107**

Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

OTHER BUSINESS

15. **Certificate of Appreciation – Wayne Yeager**
16. **Election of Officers**
17. **Other**

ADJOURNMENT

18. **Adjourn.** The next regular meeting date is scheduled for **January 24, 2018.**

Enclosures: Meeting Minutes of November 15, 2017
Building Permit Activity Month to Date Report for November 2017
Building Permit Activity Year to Date Report for November 2017

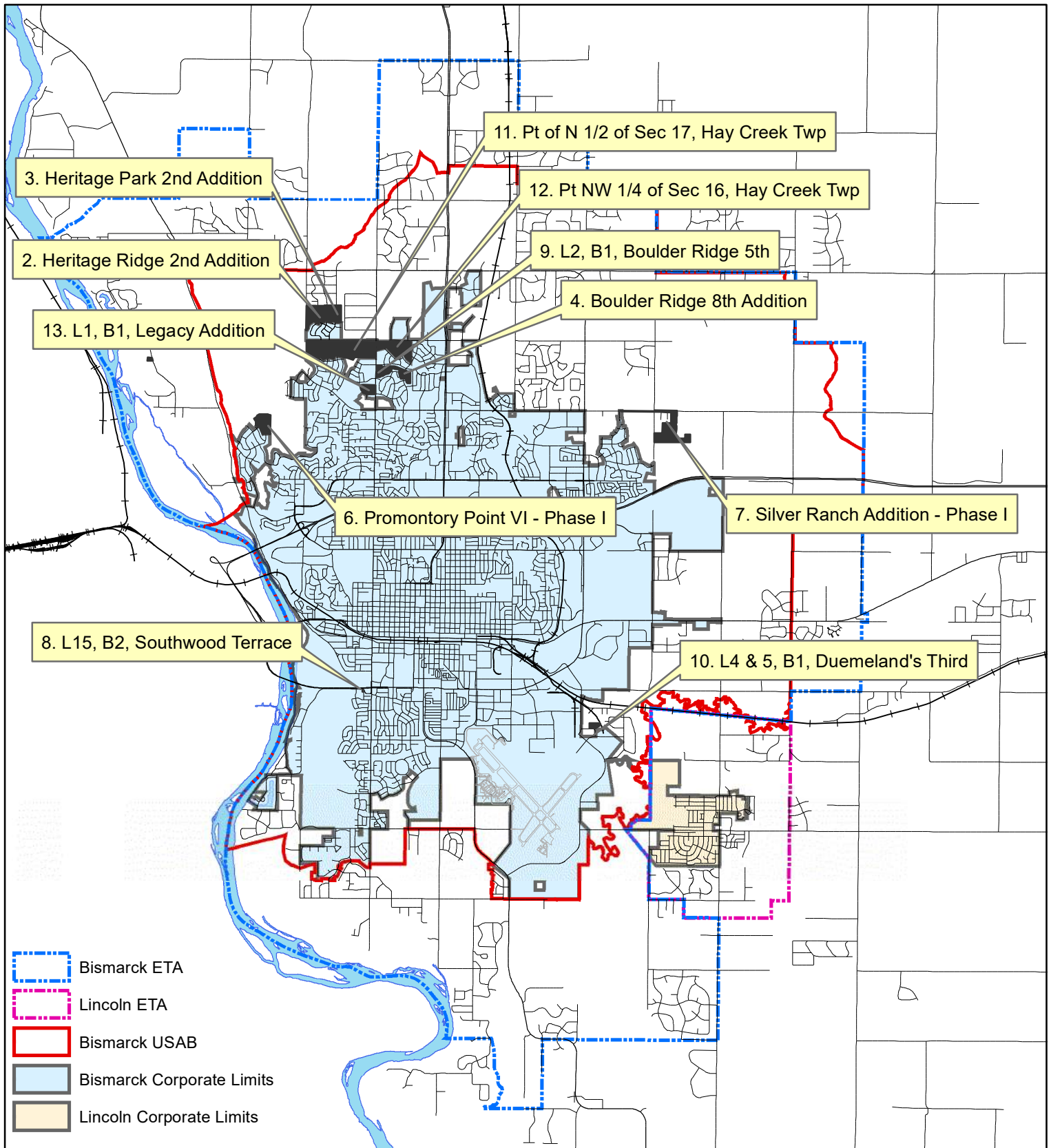
BISMARCK PLANNING AND ZONING COMMISSION PUBLIC HEARING PROCEDURE AND PROTOCOL

All public hearings before the Bismarck Planning and Zoning Commission will follow the same basic format. This outline has been prepared to help you understand the procedure and protocol.

1. The Chair of the Planning and Zoning Commission will introduce the item on the agenda and ask staff to present the staff report.
2. The Planner assigned to the file will present the staff report on the item. The presentation will be an overview of the written staff report included in the agenda packet, which is posted on the City's website by the end of the day on the Friday before the meeting.
3. The members of the Planning and Zoning Commission may ask staff questions about the request itself or staff's recommendation, but they will not discuss the request prior to obtaining input from the public.
4. The Chair of the Planning and Zoning Commission will then open the public hearing on the request and ask if anyone would like to speak to the Commission.
5. The applicant or his or her designated agent is usually given the courtesy of speaking first to outline the proposal and/or clarify any information presented by staff. The applicant may speak at this time or wait until others have spoken.
6. The public hearing is then opened to the public to voice their support, opposition or to ask questions about the proposal. Please write your name and address on the sign-in sheet, step up to the podium, speak clearly, state both your first and last names and your address, then your comments. Speaking over the microphone rather than directly into it will provide the best audio quality. Also, please avoid tapping or banging the podium, as the microphone amplifies the sound. Your comments as well as any materials distributed to the Planning and Zoning Commissioners at this time will be made part of the public record. If you would prefer to provide written materials to staff at the beginning of the meeting, we will distribute the materials to the Commission for you.
7. Please be respectful of the Planning and Zoning Commissioners, staff and others speaking on the request. Personal attacks against the applicant or others, clapping/cheering or booing speakers is not acceptable. Staff and the applicant will only respond to questions from the Planning and Zoning Commissioners, not questions directly from those speaking at the public hearing.
8. Everyone who wishes to speak will be given a chance to speak; however, at larger public hearings, the Chair may ask speakers to limit their time at the podium to five minutes, not repeat previous testimony/comments and only speak once. Members of the Planning and Zoning Commission may ask questions of those speaking, but may also listen and deliberate after the hearing is closed.
9. After everyone in the audience wishing to speak has given his or her comments, the Chair will close the public hearing portion for the agenda item. No additional comments from the public are allowed after the hearing has been closed. At this point, the Chair will ask staff if they have any additional information or final comments.
10. The Planning and Zoning Commissioners will then discuss the proposal. They may ask staff or the applicant additional questions or for clarification of items stated during the public hearing. At the conclusion of the discussion, the Commission will make its recommendation or decision.

General Location Map

Plat Review Meeting - December 4, 2017



November 2017

0 4,000 8,000 16,000 Feet

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.





STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

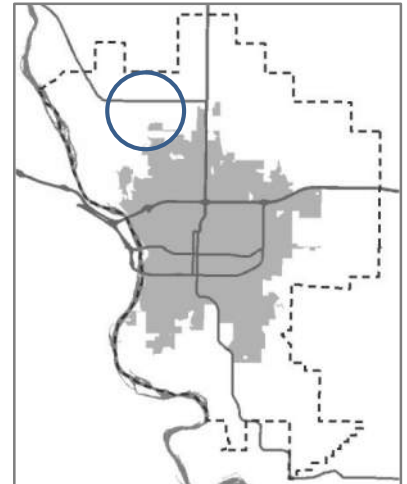
Agenda Item # 2
December 20, 2017

Application for: Zoning Change
Major Subdivision Preliminary Plat

TRAKiT Project ID: ZC2017-024
PPLT2017-008

Project Summary

<i>Title:</i>	Heritage Ridge Second Addition
<i>Status:</i>	Planning & Zoning Commission – Consideration / Tentative Approval
<i>Owner(s):</i>	Benchmark Developments, LLC
<i>Project Contact:</i>	Landon Niemiller, Swenson, Hagen & Co.
<i>Location:</i>	In northwest Bismarck, north of 57 th Avenue NW and east of 15 th Street NW (part of the SW ¹ / ₄ of Section 8, T139N-R80W/Hay Creek Township).
<i>Project Size:</i>	43.75 Acres
<i>Request:</i>	Plat and zone property for 45 single-family residential lots and 2 multifamily residential lots, as an extension of the existing Heritage Ridge Addition.



Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	Part of one parcel	<i>Number of Lots:</i>	50
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Single-family and multi-family residential
<i>Designated GMP Future Land Use:</i>	Low Density Residential	<i>Designated GMP Future Land Use:</i>	Low Density Residential
<i>Zoning:</i>	A – Agricultural	<i>Zoning:</i>	R5 – Residential RM15 – Residential
<i>Uses Allowed:</i>	A – Agriculture	<i>Uses Allowed:</i>	R5 – Single-family residential RM15 – Multi-family residential
<i>Max Density Allowed:</i>	A – 1 unit / 40 acres	<i>Max Density Allowed:</i>	R5 – 5 units / acre RM15 – 15 units / acre

Property History

<i>Zoned:</i>	N/A	<i>Platted:</i>	N/A	<i>Annexed:</i>	N/A
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Staff Analysis

Benchmark Developments, LLC is requesting approval of a major subdivision preliminary plat and zoning change in northwest Bismarck. Heritage Ridge Second Addition would be an extension of the existing Heritage Park/Heritage Ridge master plan and is being requested in conjunction with Heritage Park Second Addition directly to the east.

The proposed plat would include 45 single-family residential lots, along with two multifamily lots, which would be accessed directly from 15th Street NE and 64th Avenue NW (the other three lots in the subdivision are unbuildable).

Adjacent uses include developing residential uses of a similar character to the south, rural residential uses to the north, and undeveloped land to the east and west. The land to the east is proposed for single-family residential uses.

Concurrence with Comprehensive Plan

The Future Land Use Plan identifies this entire area as Low Density Residential (LDR). Under the development block concept outlined in the plan, the uses and densities are considered for the entire block as a whole. As proposed, this plat would allow approximately six dwelling units per acre, which is excessive for the LDR designation. However, the entire Heritage Ridge/Park master plan would allow three units per acre.

The Fringe Area Road Master Plan (FARMP) shows the northern boundary of this plat, 64th Avenue NW, as a future collector roadway, which would connect all the way from 15th Street NW to North Washington Street. The proposed plat would dedicate sufficient right-of-way to construct this roadway in the future, if right-of-way is obtained to the east.

Roadways

Section 14-09-05 of the City Code of Ordinances requires a 66-foot right-of-way for all local residential streets, and the ordinance specifies that all curbs should be a standard form, with a sheer vertical face, instead of mountable. However, the ordinance also grants the City Engineer the authority to waive the requirements

for good cause, in particular if mountable curb was used in previous phases of a development.

The proposed plat shows 60-foot rights-of-way on all local roadways, and the applicant has indicated that he wishes to utilize mountable curb. The previously platted Heritage Ridge Addition is being developed in this way. The applicant has submitted waiver requests from both provisions. The reduced right-of-way and mountable curb would not apply to the collectors Sonora Way or 64th Avenue NW.

Valley Vista Lane is a north-south roadway that does not extend all the way to 64th Avenue NW. When this roadway was first dedicated in Heritage Ridge Addition, it was the intent to connect to the segment of Valley Vista Lane in Crested Butte Addition to the north. Now that these roads will no longer connect, the name of the street in Heritage Ridge First Addition should be changed by action of the City Commission. Staff would initiate this change once an alternative roadway name is proposed by the applicant.

Other Issues

The Park Development Agreement initially established for Heritage Park Addition including the entire master planned area. A park has been installed on the east side of Sonora Way at the southern entrance of the development. Therefore, the requirements of the Neighborhood Parks and Open Space policy have already been met for this subdivision.

A fifteen-foot landscape buffer is proposed along the northern boundary of the plat, along the south side of 64th Avenue NW. This is not required by ordinance, but is being initiated by the developer. The buffer would be contained on a separate lot that would be owned and maintained by the homeowners' association for the development.

Lot 14, Block 1 contains a relatively steep slope and insufficient room for development. The applicant intends to identify this lot as non-buildable on the plat, and split the lot at later date to combine with Lots 5-9, Block 1, Heritage Ridge Addition as extended back yards in the future.

Required Findings of Fact (relating to land use)*Zoning Change*

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
 2. The proposed zoning change is compatible with adjacent land uses and zoning;
 3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
 4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
 5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
 6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
 7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
 8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.
5. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
 6. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
 7. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development;
 8. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
 9. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
 10. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Preliminary Plat

1. All technical requirements for consideration of a preliminary plat have been met;
2. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
3. The Neighborhood Parks and Open Space has been met by a previously approved Park Development Agreement.
4. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore no traffic impact study is required.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the A – Agricultural zoning district to the R5 – Residential and RM15 – Residential zoning districts and tentative approval of the preliminary plat for Heritage Park Second Addition.

Attachments

1. Location Map
2. Zoning and Plan Reference Map
3. Proposed Zoning Map
4. Preliminary Plat

Staff report prepared by: Daniel Nairn, AICP, Planner
701-355-1854 | dnairn@bismarcknd.gov

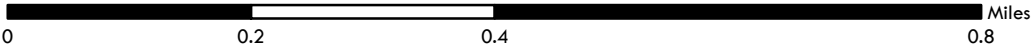
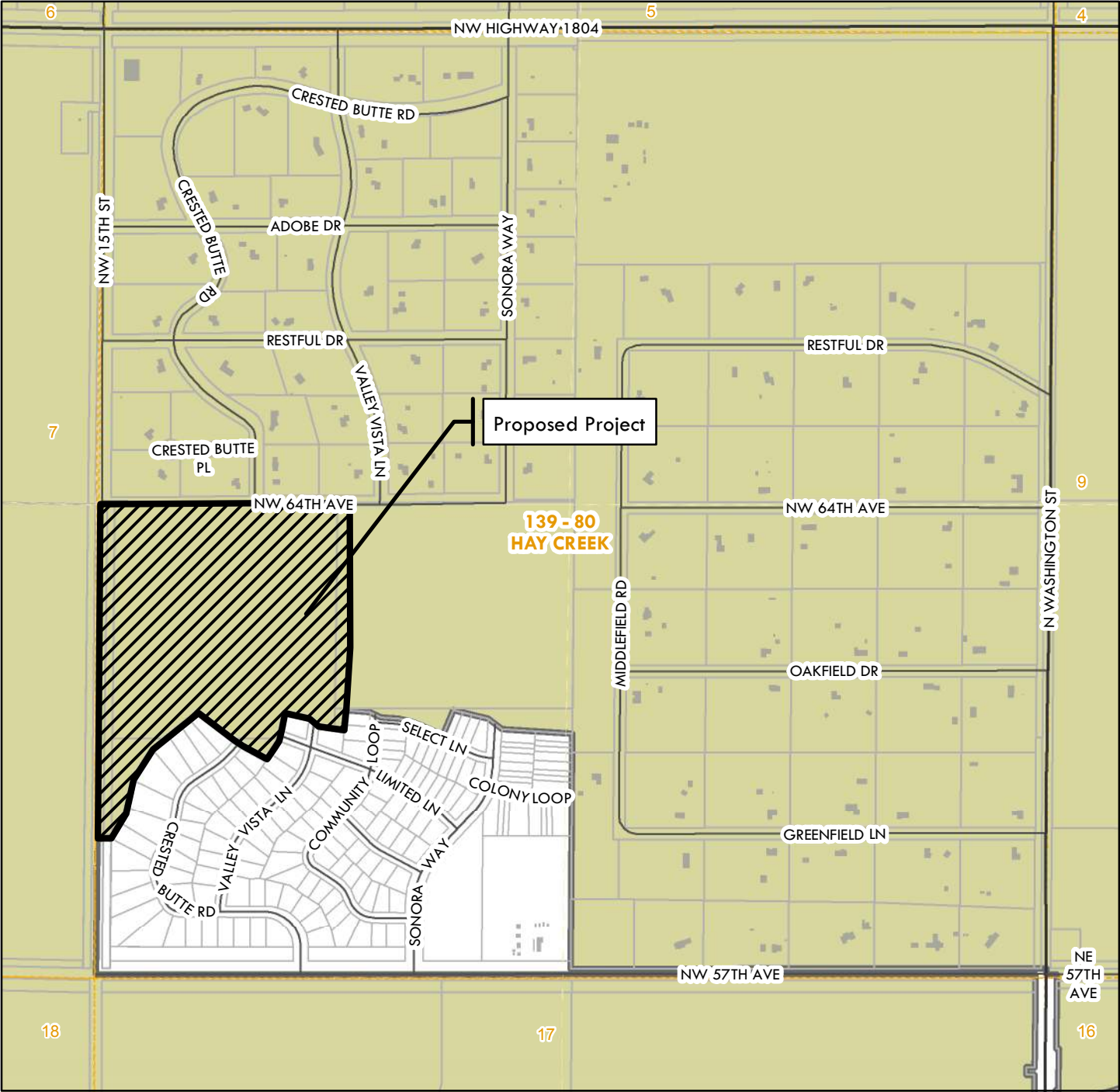


Proposed Plat and Zoning Change (A to R5 and RM15)

Heritage Ridge Second Addition

Trakit Projects PPLT2017-008, ZC2017-024

Location Map



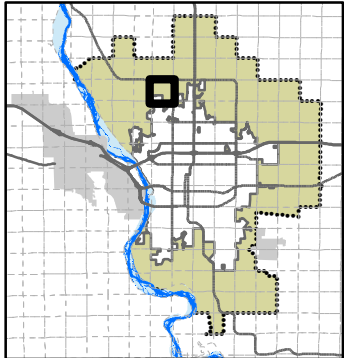
City Limits Bismarck ETA Jurisdiction

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
December 15, 2017 (HLB)

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Proposed Zoning Change (A to R5 & RM15)

Heritage Ridge Second Addition

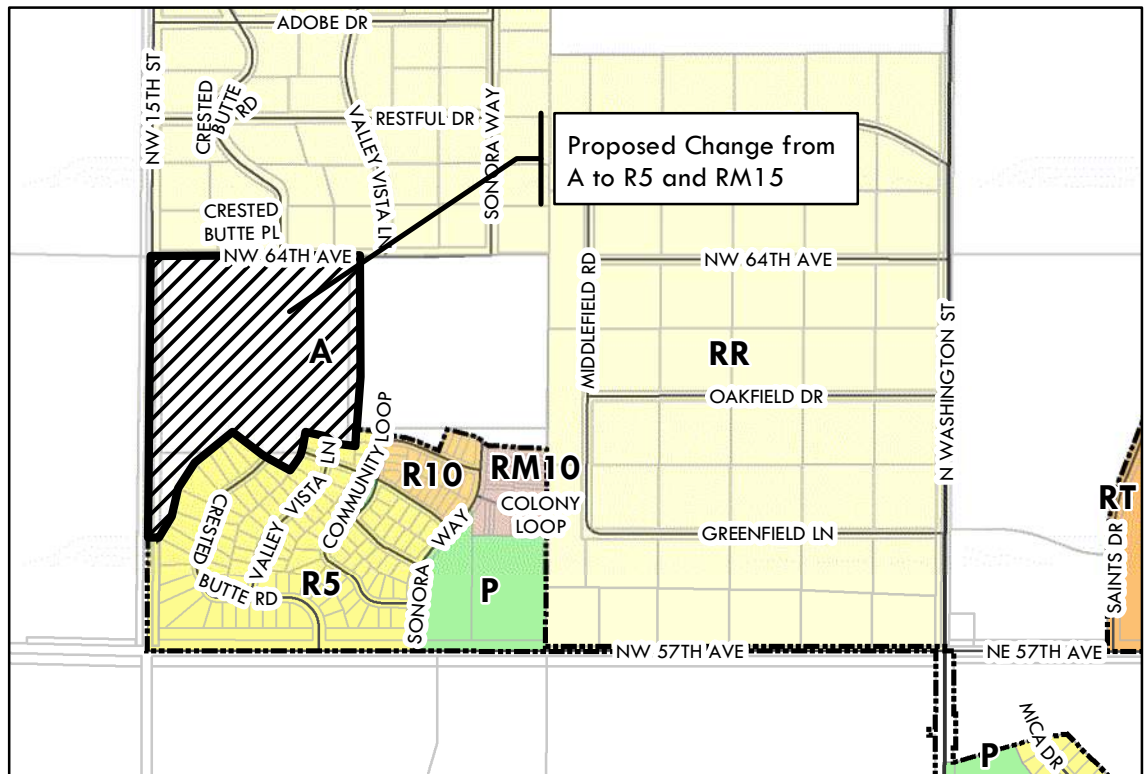
Zoning and Plan
Reference Map

-  Project Area - No Change Proposed
-  Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily (Offices)
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

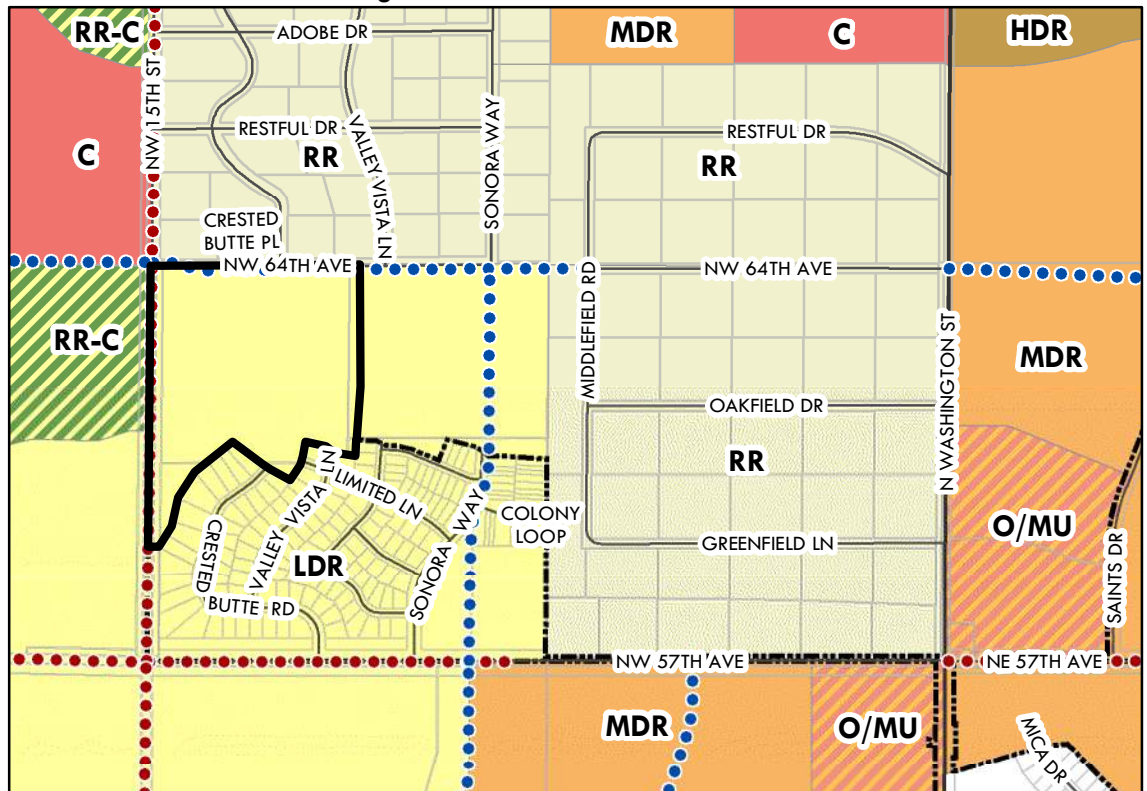
Zoning Map





Future Land Use Plan and Fringe Area Road Master Plan

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve



Fringe Area Road Master Plan

-  Planned Arterial
-  Planned Collector

0 0.2 0.4 0.8 Miles

 City Limits

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City of Bismarck
Community Development Dept.
Planning Division
December 12, 2017



Proposed Zoning Change (A to R5, R10, RM10 & RM15)

Heritage Park Second Addition and Heritage Ridge Second Addition

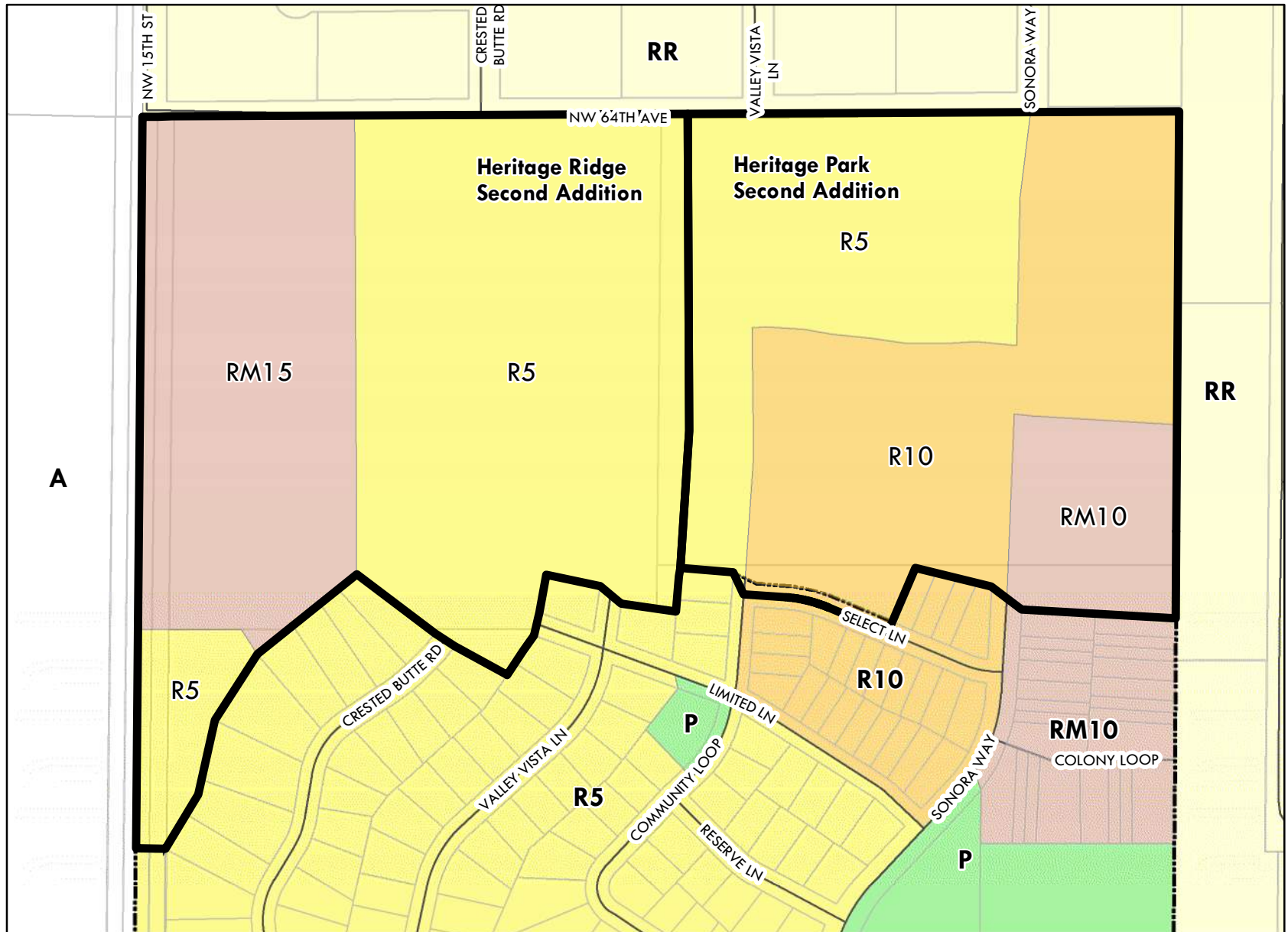
Proposed Zoning Map

Proposed New Zoning Map

 Project Area

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe



0 0.05 0.1 0.2 Miles

 City Limits

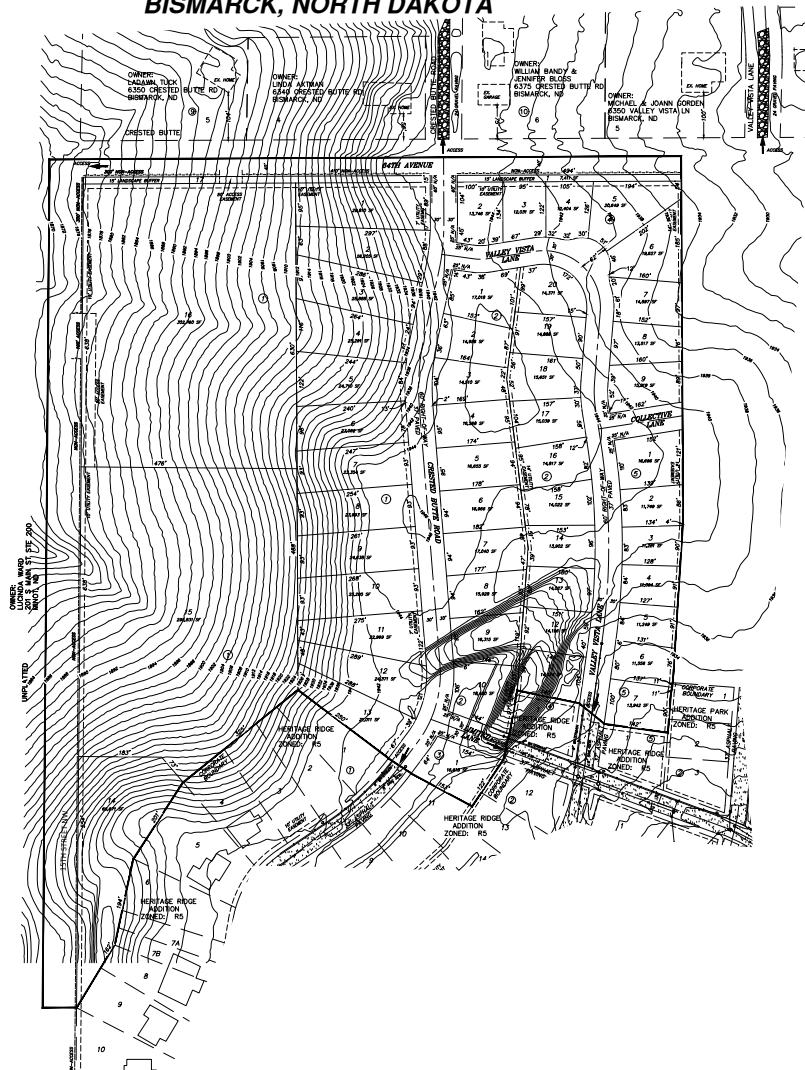
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HERITAGE RIDGE SECOND ADDITION

PART OF THE SW 1/4 OF SECTION 8, TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, NORTH DAKOTA



LOCATION MAP

43.75 ACRES
EXISTING ZONING: A
PROPOSED ZONING: R5, RT
50 LOTS

OWNER: BENCHMARK DEVELOPMENTS, LLC
ADDRESS: PO BOX 7188
BISMARCK, ND 58507



0 100' 200'
SCALE - 1" = 100'

VERTICAL DATUM: NAVD 88

OCTOBER 13, 2017



SWENSON, HAGEN & COMPANY P.C.

500 Fifth Avenue
Bismarck, North Dakota 58505
Shawn@swensonhagen.com
Phone (701) 223-2000
Fax (701) 223-2006

Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

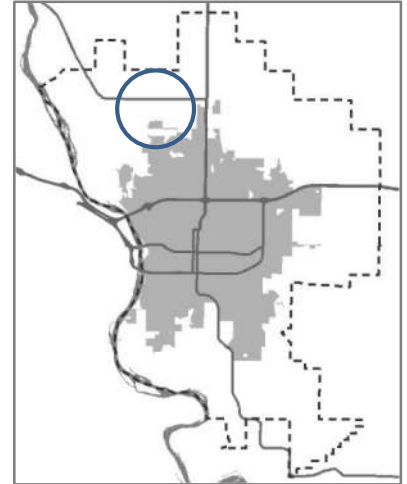
Agenda Item # 3
December 20, 2017

Application for: Zoning Change
Major Subdivision Preliminary Plat

TRAKiT Project ID: ZC2017-025
PPLT2017-009

Project Summary

Title:	Heritage Park Second Addition
Status:	Planning & Zoning Commission – Consideration / Tentative Approval
Owner(s):	Benchmark Developments, LLC
Project Contact:	Landon Niemiller, Swenson, Hagen & Co.
Location:	In northwest Bismarck, north of 57 th Avenue NW and east of 15 th Street NW (part of the SW ¹ / ₄ of Section 8, T139N-R80W/Hay Creek Township).
Project Size:	35.77 Acres
Request:	Plat, zone, and annex property for 104 residential lots as an extension of the existing Heritage Park Addition.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	Unplatted Tract	Number of Lots:	108
Land Use:	Undeveloped	Land Use:	Single-family, two-family, and multi-family residential
Designated GMP Future Land Use:	Low Density Residential	Designated GMP Future Land Use:	Low Density Residential
Zoning:	A – Agricultural	Zoning:	R5 – Residential R10 – Residential RM10 – Residential
Uses Allowed:	A – Agriculture	Uses Allowed:	R5 – Single-family residential R10 – Single and two-family residential RM10 – Multi-family residential
Max Density Allowed:	A – 1 unit / 40 acres	Max Density Allowed:	R5 – 5 units / acre R10 – 10 units / acre RM10 – 10 units / acre

Property History

<i>Zoned:</i>	<i>N/A</i>	<i>Platted:</i>	<i>N/A</i>	<i>Annexed:</i>	<i>N/A</i>
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Staff Analysis

Benchmark Developments, LLC is requesting approval of a major subdivision preliminary plat and zoning change in northwest Bismarck. Heritage Park Second Addition would be an extension of the existing Heritage Park/Heritage Ridge master plan and is being requested in conjunction with Heritage Ridge Second Addition directly to the west. The applicant also proposes to annex the entire plat of Heritage Park Second Addition.

The proposed plat would include 104 residential lots with a mixture of housing types, ranging from four-plex multifamily homes on the east side to single-family homes on the west side.

Adjacent uses include developing residential uses of a similar character to the south, rural residential uses to the east and north, and undeveloped land to the west. The land to the west is proposed for single-family residential uses.

Concurrence with Comprehensive Plan

The Future Land Use Plan identifies this entire area as Low Density Residential (LDR). Under the development block concept outlined in the plan, the uses and densities are considered for the entire block as a whole. As proposed, the plat would allow approximately three dwelling units per acre, and the entire Heritage Ridge/Heritage Park master plan would also be a similar density. This is within the intent of the LDR designation. No non-residential uses are proposed for this subdivision.

The Fringe Area Road Master Plan (FARMP) calls for an extension of Sonora Way through this proposed plat to the north as a collector roadway. The plat would dedicate sufficient right-of-way to satisfy the plan for Sonora Way.

The FARMP also shows the northern boundary of this plat, 64th Avenue NW, as a future collector roadway, which would connect all the way from 15th Street NW

to North Washington Street. The proposed plat would dedicate sufficient right-of-way to construct this roadway. West of Sonora Way, the northern half of this right-of-way has already been dedicated with the rural plat of Crested Butte Addition. East of Sonora Way, the plat would dedicate a full 66 feet of right-of-way to allow a connection to the east. There is still insufficient right-of-way to allow a full connection to the west, although this may be obtained in the future.

Public and Private Roadways

Section 14-09-05 of the City Code of Ordinances requires a 66-foot right-of-way for all local residential streets, and the ordinance specifies that all curbs should be a standard form, with a sheer vertical face, instead of mountable. However, the ordinance also grants the City Engineer the authority to waive the requirements for good cause, in particular if mountable curb was used in previous phases of a development.

The proposed plat shows 60-foot rights-of-way on all local roadways, and the applicant has indicated that he wishes to utilize mountable curb. The previously platted Heritage Park Addition is being developed in this way. The applicant has submitted waiver requests for both provisions. The reduced right-of-way and mountable curb would not apply to the collectors Sonora Way or 64 Avenue NW.

Private drives in a loop pattern are proposed along the east side of the plat. These roads must meet fire apparatus access roadway standards at a minimum and would be owned and maintained by the homeowners' association for the development. The applicant is still working with Combined Communications to determine an appropriate name to most easily facilitate navigation for emergency services, and the names shown on the preliminary plat may change.

Other Issues

The Park Development Agreement initially established for Heritage Park Addition including the entire master planned area. A park has been installed on the east

(continued)

side of Sonora Way at the southern entrance of the development. Therefore, the requirements of the Neighborhood Parks and Open Space policy have already been met for this subdivision.

Two lots would be dedicated to local stormwater detention. The lots would remain privately owned, and are zoned in the same manner as the surrounding lots.

A fifteen-foot landscape buffer is proposed along the northern boundary of the plat, along the south side of 64th Avenue NW. This is not required by ordinance, but is being initiated by the developer. The buffer would be contained on a separate lot that would be owned and maintained by the homeowners' association for the development.

Required Findings of Fact (relating to land use)

Zoning Change

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Preliminary Plat

1. All technical requirements for consideration of a preliminary plat have been met;
2. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
3. The Neighborhood Parks and Open Space has been met by a previously approved Park Development Agreement.
4. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore no traffic impact study is required.
5. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
6. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
7. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development;
8. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
9. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
10. The proposed subdivision would not adversely affect the public health, safety and general welfare.

(continued)

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the A – Agricultural zoning district to the R5 – Residential, R10 – Residential, and RM10 – Residential zoning districts and tentative approval of the preliminary plat for Heritage Park Second Addition.

Attachments

1. Location Map
2. Zoning and Plan Reference Map
3. Proposed Zoning Map
4. Preliminary Plat

Staff report prepared by: Daniel Nairn, AICP, Planner
701-355-1854 | dnairn@bismarcknd.gov

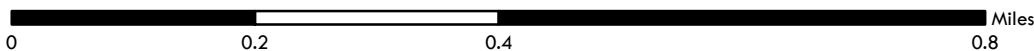
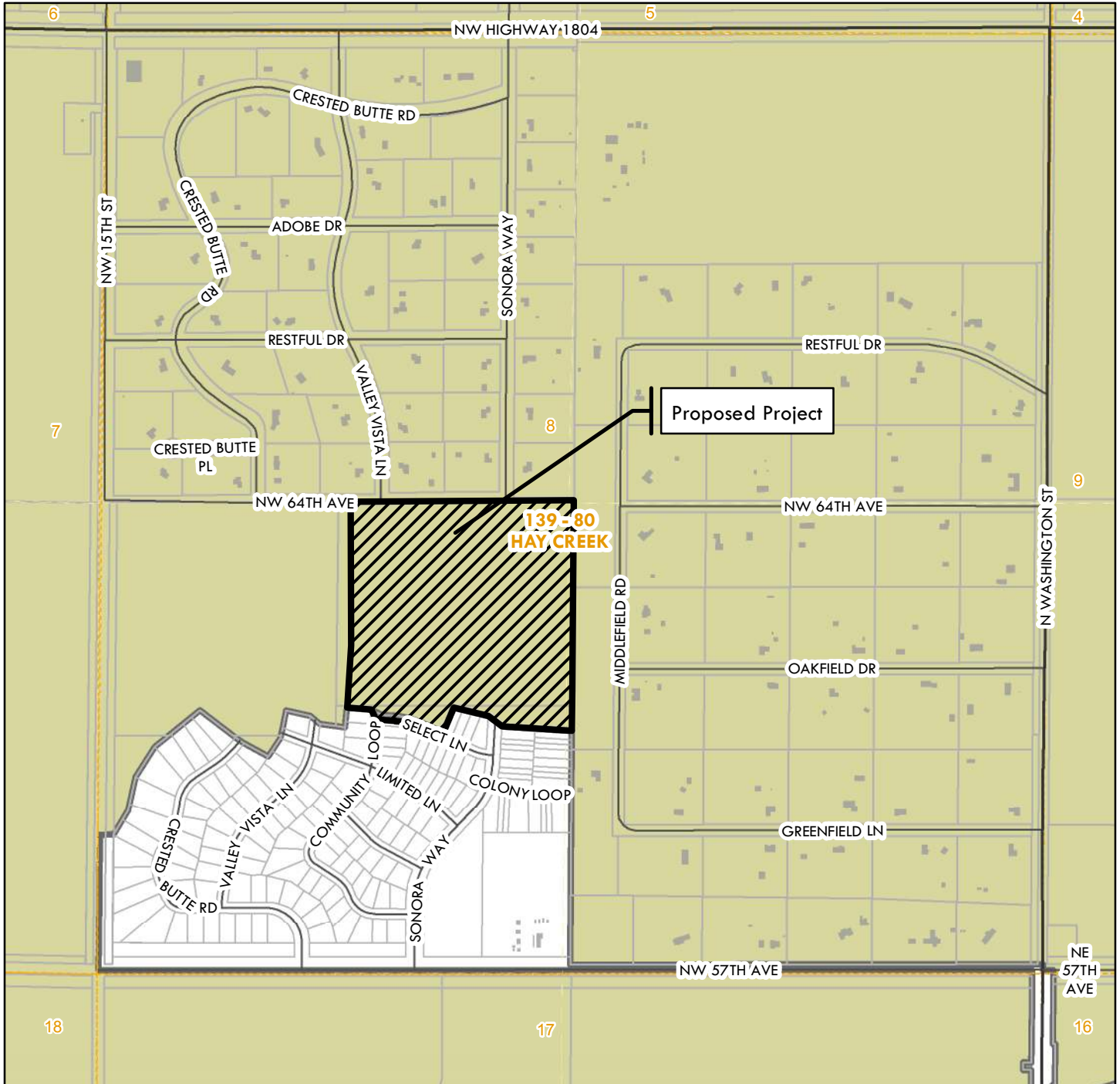


Proposed Plat, Annexation and Zoning Change (A to R5, R10 and RM10)

Trakit Projects PPLT2017-009, ANNX2017-005, ZC2017-025

Heritage Park Second Addition

Location Map



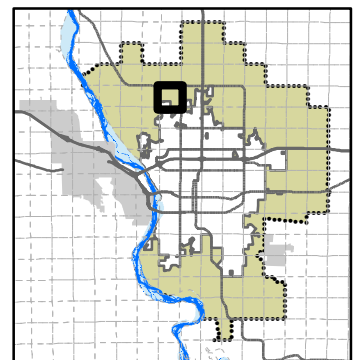
City Limits Bismarck ETA Jurisdiction

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
December 12, 2017 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.





Proposed Zoning Change (A to R5, R10, RM10)

Heritage Park Second Addition

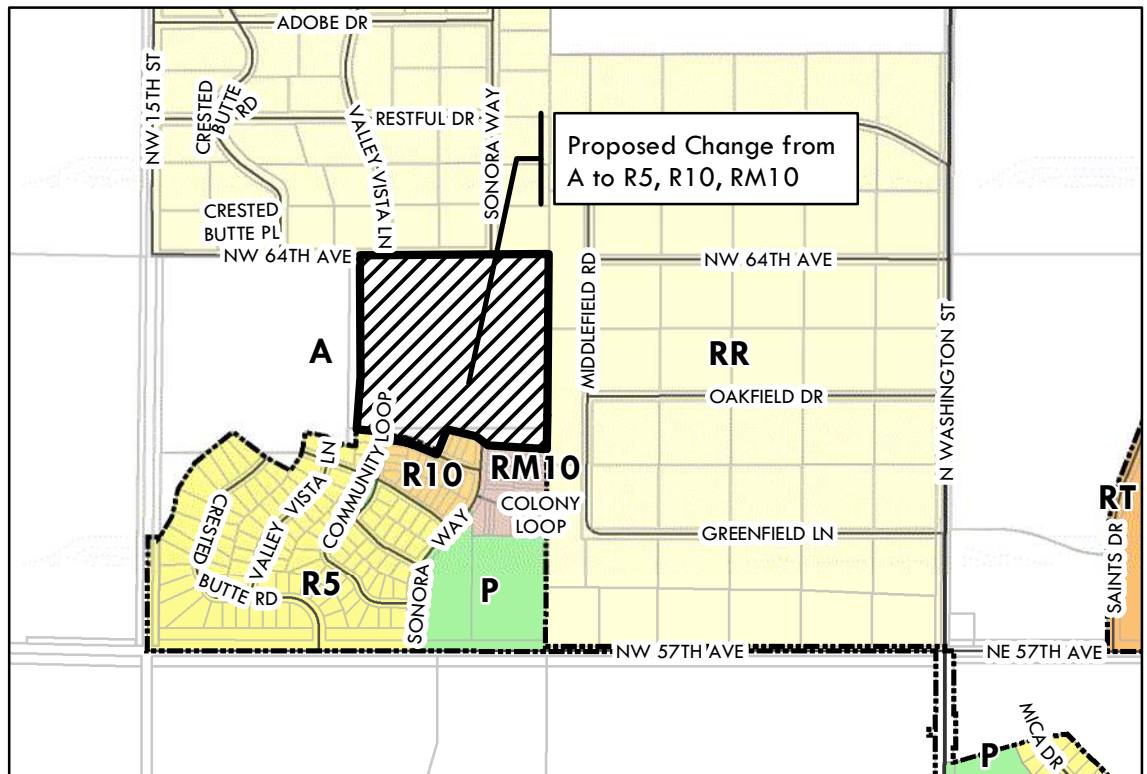
Zoning and Plan
Reference Map

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
	Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily (Offices)
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

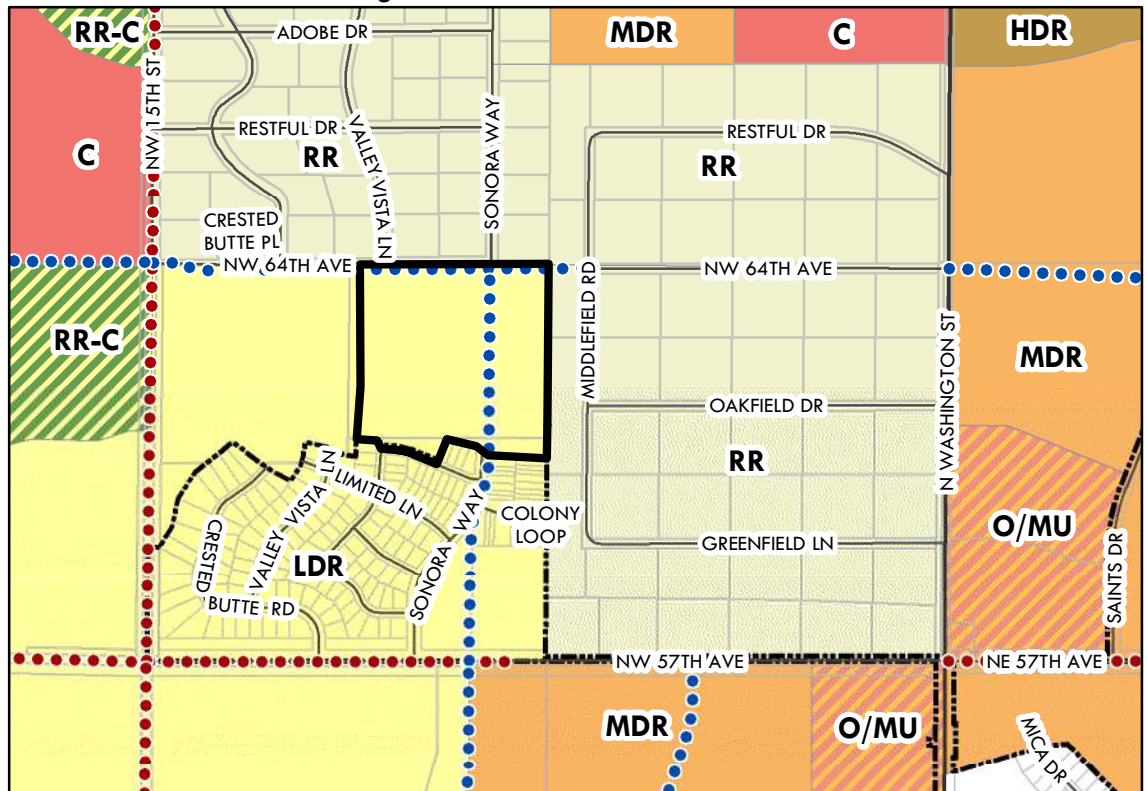
Zoning Map



Future Land Use Plan and Fringe Area Road Master Plan

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve



Fringe Area Road Master Plan

- Planned Arterial
- Planned Collector

0 0.2 0.4 0.8 Miles

City Limits

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City of Bismarck
Community Development Dept.
Planning Division
December 15, 2017



Proposed Zoning Change (A to R5, R10, RM10 & RM15)

Heritage Park Second Addition and Heritage Ridge Second Addition

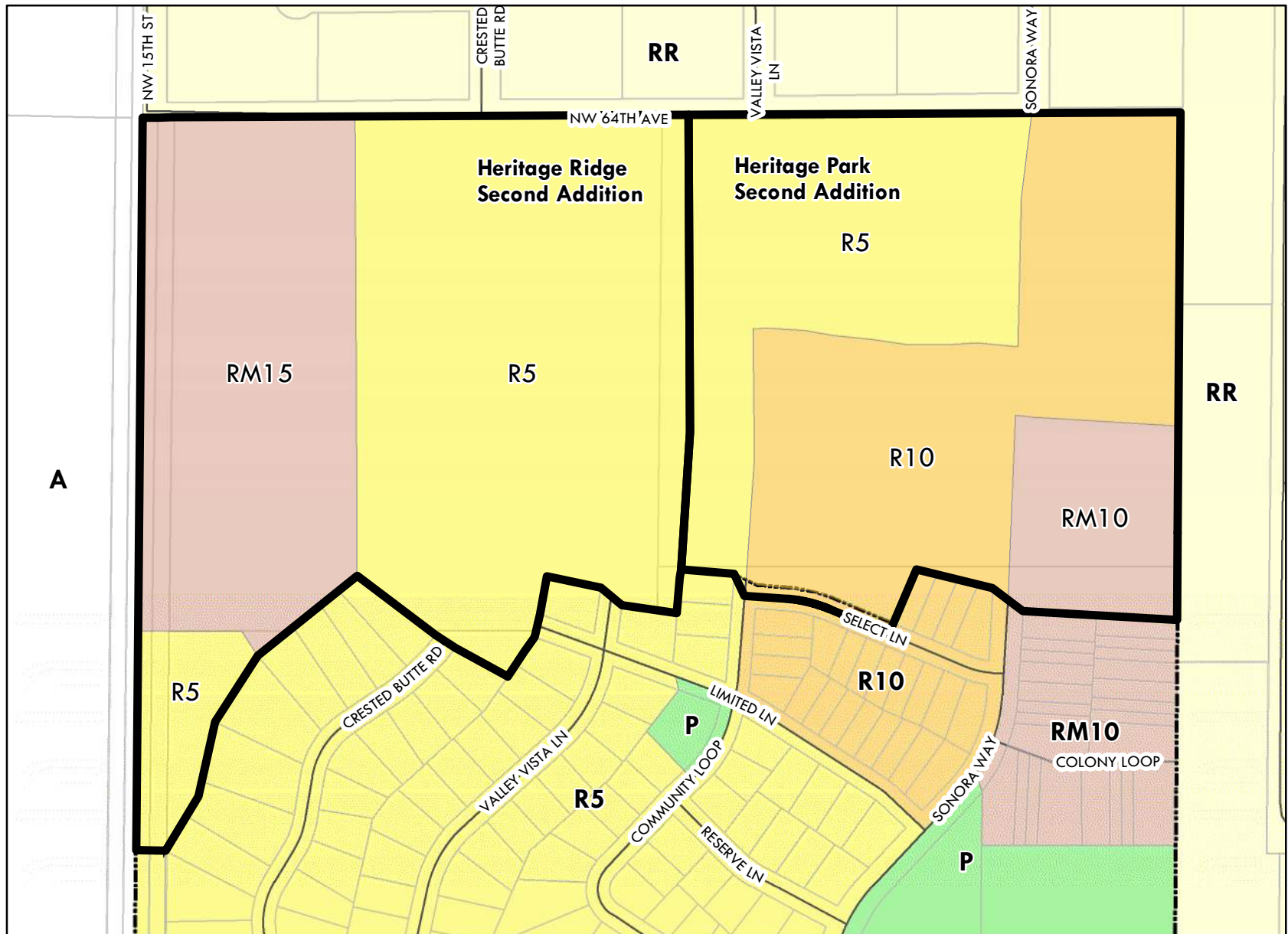
Proposed Zoning Map

Proposed New Zoning Map

 Project Area

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe



0 0.05 0.1 0.2 Miles

 City Limits

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HERITAGE PARK SECOND ADDITION

PART OF THE SW 1/4 OF SECTION 8, TOWNSHIP 139 NORTH, RANGE 80 WEST

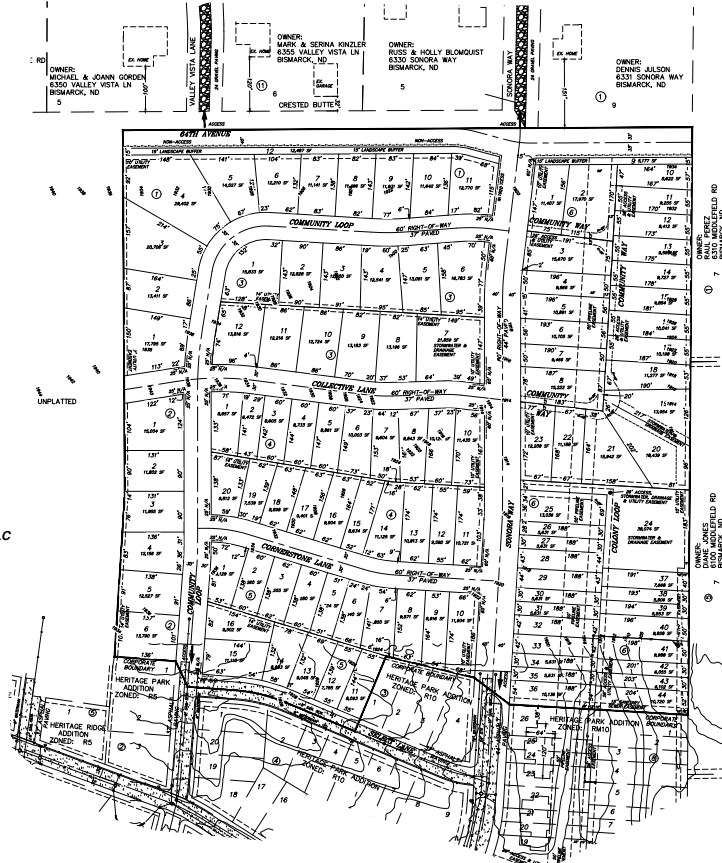
BISMARCK, NORTH DAKOTA



LOCATION MAP

35.77 ACRES
EXISTING ZONING: A
PROPOSED ZONING: R5, R10, RM10
110 LOTS

OWNER: BENCHMARK DEVELOPMENTS, LLC
ADDRESS: PO BOX 7188
BISMARCK, ND 58507



0 100' 200'
SCALE - 1" = 100'

VERTICAL DATUM: NAVD 88

OCTOBER 13, 2017



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 4
December 20, 2017

Application for: Zoning Change

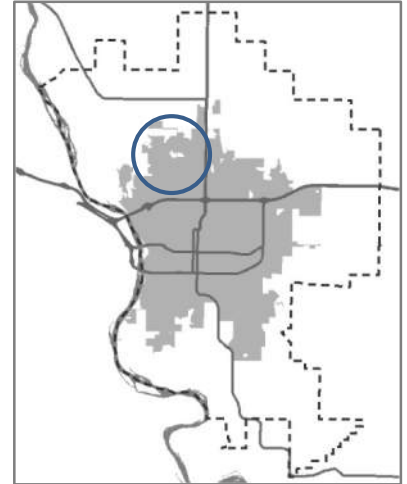
Major Subdivision Preliminary Plat

TRAKiT Project ID: ZC2017-026

PPLT2017-010

Project Summary

<i>Title:</i>	Boulder Ridge Seventh Addition
<i>Status:</i>	Planning & Zoning Commission – Consideration / Tentative Approval
<i>Owner(s):</i>	Boulder Ridge Development, Inc. Five Guys Investment, LLC
<i>Project Contact:</i>	Landon Niemiller, Swenson Hagen & Company
<i>Location:</i>	In northwest Bismarck, east of North Washington Street and south of East Lasalle Drive. (a replat of Lots 1 & 2, Block 4 Boulder Ridge Fifth Addition and Part of the NW ¼ of Section 16, T139N-R80W/Hay Creek Township).
<i>Project Size:</i>	28.74 Acres
<i>Request:</i>	Rezone and plat property to create 54 lots for development of single and two-family homes.



Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	4	<i>Number of Lots:</i>	54
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Single and two-family homes
<i>Designated GMP Future Land Use:</i>	Low Density Residential	<i>Designated GMP Future Land Use:</i>	Low Density Residential
<i>Zoning:</i>	A – Agricultural R5 – Residential	<i>Zoning:</i>	R5 – Residential R10 – Residential P – Public Use
<i>Uses Allowed:</i>	A – Agriculture R5 – Single-family residential	<i>Uses Allowed:</i>	R5 – Single-family residential R10 – Single and two-family residential P – Parks, open space, stormwater facilities, and other public uses
<i>Max Density Allowed:</i>	A – 1 unit / 40 acres R5 – 5 units / acre	<i>Max Density Allowed:</i>	R5 – 5 units / acre R10 – 10 units / acre P – N/A

(continued)

Property History

Zoned:	Boulder Ridge 5 th – 10/12	Platted:	Boulder Ridge 5 th – 04/13	Annexed:	10/13
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Staff Analysis

Boulder Ridge Development, Inc. and Five Guys Investment, LLC are requesting approval of a zoning change and preliminary plat for the development of single and two-family homes. This area was annexed in 2013.

The Future Land Use Plan in the 2014 Growth Management Plan, as amended, identifies this area as Low Density Residential. The proposed zoning for this plat is a mix of R5-Residential, R10-Residential and P-Public zoning districts. The proposed zoning would generally conform to the Future Land Use Plan. All of the proposed lots conform to their respective proposed zoning district.

The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses included a mix of vacant and single family uses to the north, east, south and west of the proposed plat, all zoned R5-Residential.

The consultant is working with the Engineering Department to address how these lots will be serviced off two water mains along Normandy Street and ensure proper sanitary sewer facilities are provided. Prior to submitting a major subdivision final plat, the utility servicing plan must address all outstanding concerns.

An Home Owner Association agreement will be required and recorded in conjunction with the plats for easements of private water, sewer, or stormwater facilities under the private road identified for Lots 9 - 17, Block 5 of the preliminary plat. In addition, storm sewer within the easement in Lots 1 and 2, Block 4 on the preliminary plat will be private. An operations and maintenance agreement will be required in the HOA agreement detailing which lots are responsible for these facilities as well as the private road.

The applicant has provided a statement of intent for neighborhood parks and open spaces. The statement

of intent indicates that the applicant will provide green space for trails inside this plat on Lot 14, Block 1 and Lot 1, Block 2 of the preliminary plat. A neighborhood park is proposed to be located in a unplatted portion north of this plat in the same development area. The location of this neighborhood park may be moved to an area within this plat, pending Bismarck Parks and Recreation approval. A Park Development Agreement finalizing the ownership and location of all proposed park facilities will need to be approved by the Bismarck Parks and Recreation District prior to approval of the major subdivision final plat.

Staff has expressed interest in providing a secondary access from Onyx Circle as proposed on the preliminary plat to Lot 2, Block 1, Boulder Ridge Fifth Addition. Staff want to ensure that the lack of secondary access will not impact development of that lot. The applicant has not provided this requested secondary access point in the preliminary plat.

Required Findings of Fact (relating to land use)

Zoning Change

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;

(continued)

5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Preliminary Plat

1. All technical requirements for consideration of a preliminary plat have been met;
2. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
3. A statement of intent for the provision of neighborhood parks and open space has been submitted;
4. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore no traffic impact study is required.
5. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
6. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
7. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also

known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development;

8. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
9. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
10. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the A - Agricultural and R5 - Residential zoning districts to the P - Public, R5 - Residential and R10 - Residential zoning districts and tentative approval of the preliminary plat for Boulder Ridge Seventh Addition with the understanding that the following issues need to be resolved prior to a public hearing being scheduled for the final plat:

1. An updated utility servicing plan is provided showing how the proposed uses will be served by water and sanitary sewer.
2. The Bismarck Parks and Recreation District adopts a Neighborhood Park Development Agreement.

Attachments

1. Location Map
2. Zoning and Plan Reference Map
3. Proposed Zoning Map
4. Reduction of Preliminary Plat

Staff report prepared by: Will Hutchings, Planner

701-355-1850 | whutchings@bismarcknd.gov



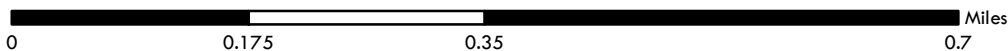
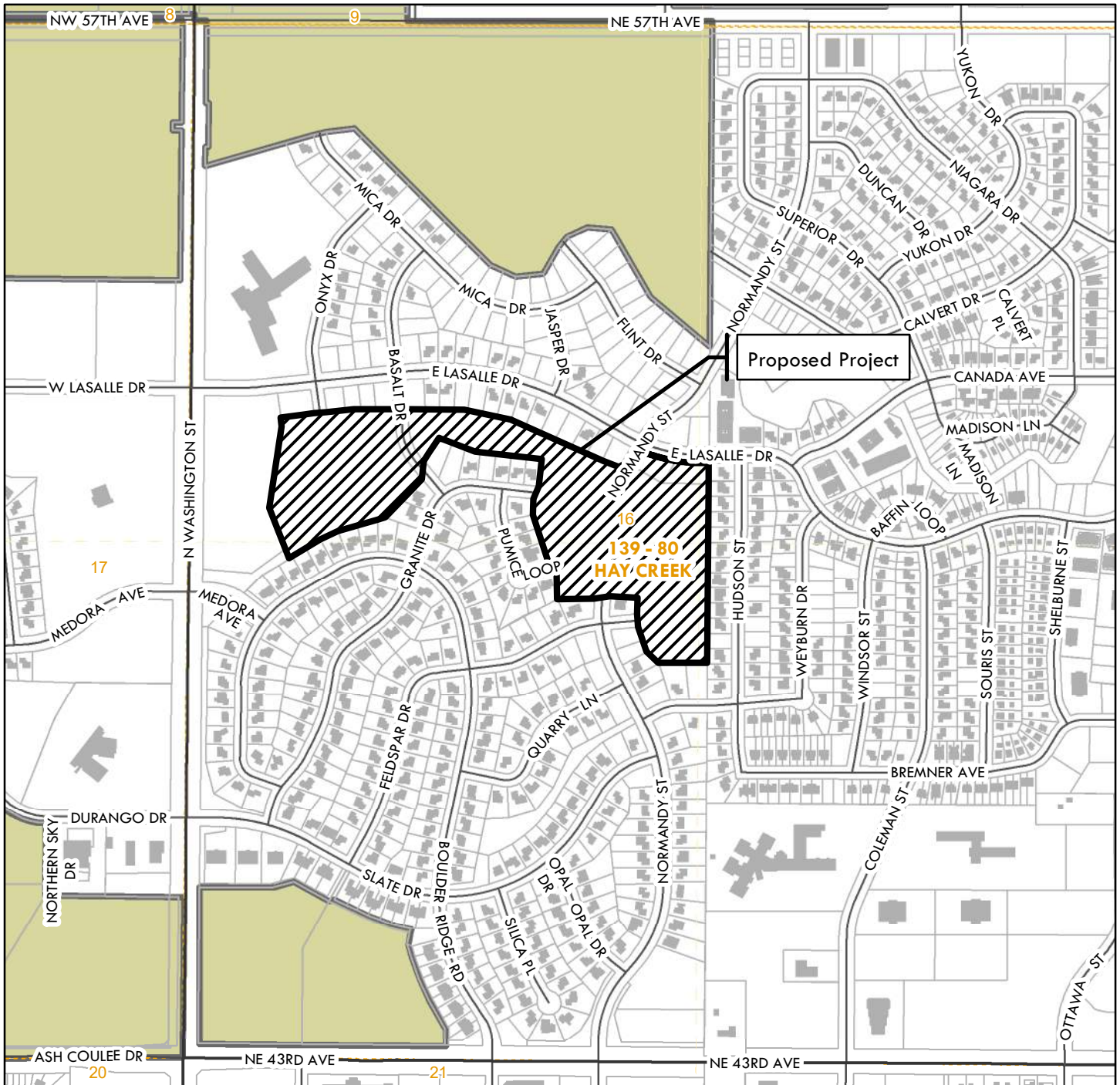
Proposed Plat and Zoning Change)

Boulder Ridge Seventh Addition

Trakit Projects PPLT2017-006

ZC2017-026

Location Map

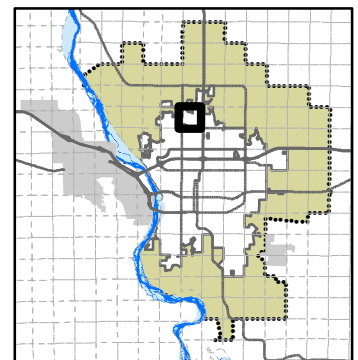


City Limits



Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
December 14, 2017 (HLB)

This map is for representational use only and does
not represent a survey. No liability is assumed as
to the accuracy of the data delineated hereon.



Proposed Zoning Change (A & R5 to P, R5 & R10)

Boulder Ridge Seventh

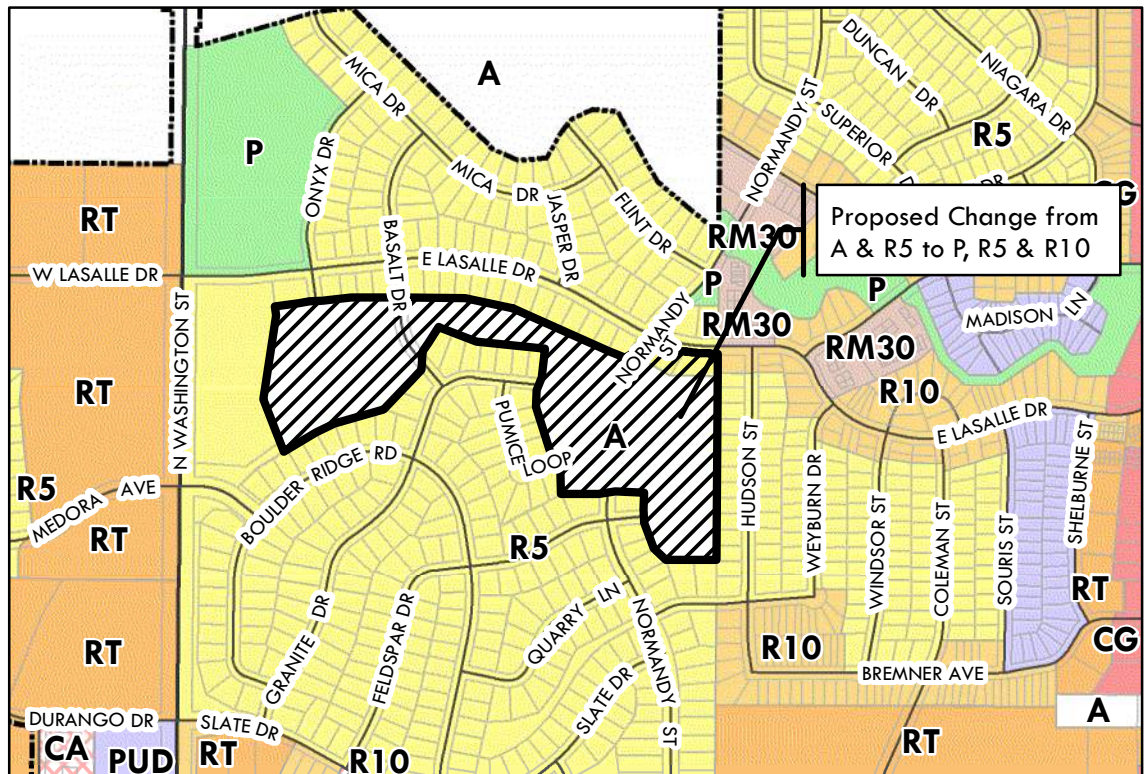
Zoning and Plan
Reference Map

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

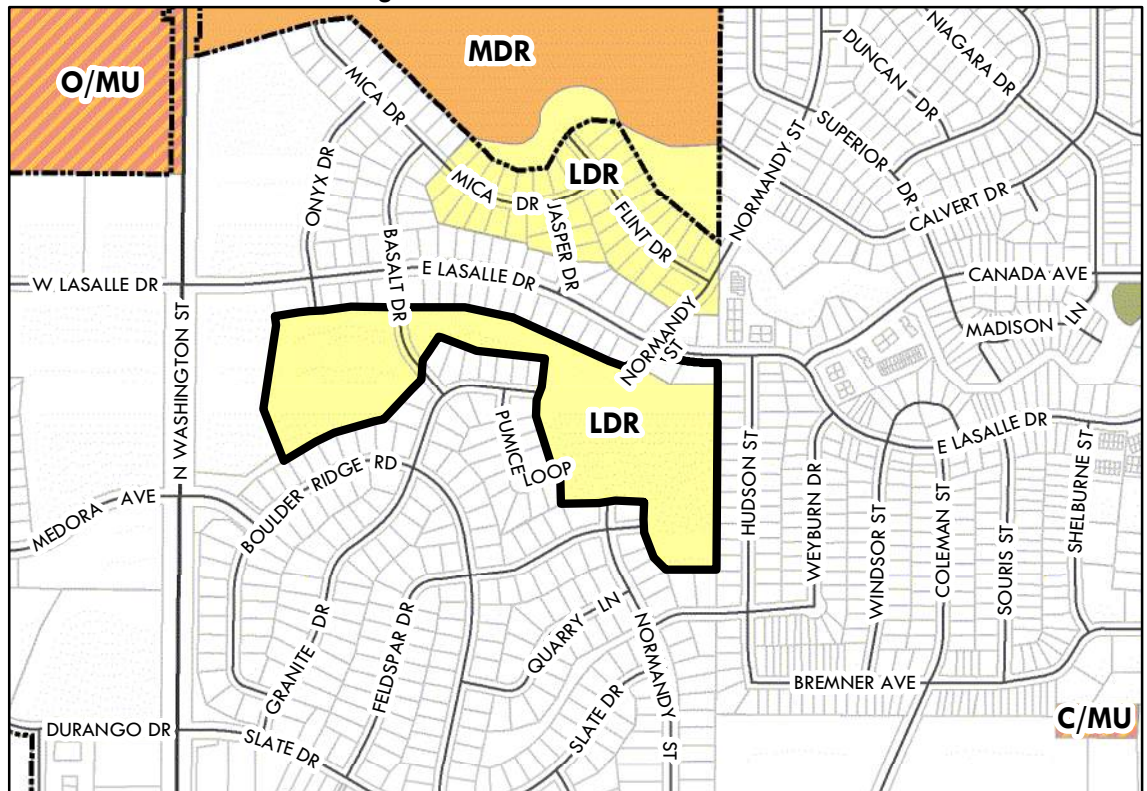
Zoning Map



Future Land Use Plan

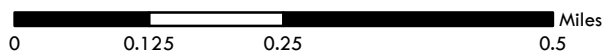
CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Future Land Use Plan and Fringe Area Road Master Plan



Fringe Area Road Master Plan

- ● ● ● Planned Arterial
- ● ● ● Planned Collector



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City of Bismarck
Community Development Dept.
Planning Division
December 14, 2017

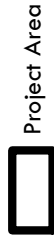


Proposed Zoning Change (A & R5 to P, R5 & R10)

Lots 1 & 2, Block 4 Boulder Ridge Fifth Addition and Part of the NW 1/4 of Section 16, T139N, R80W

Proposed Zoning Map

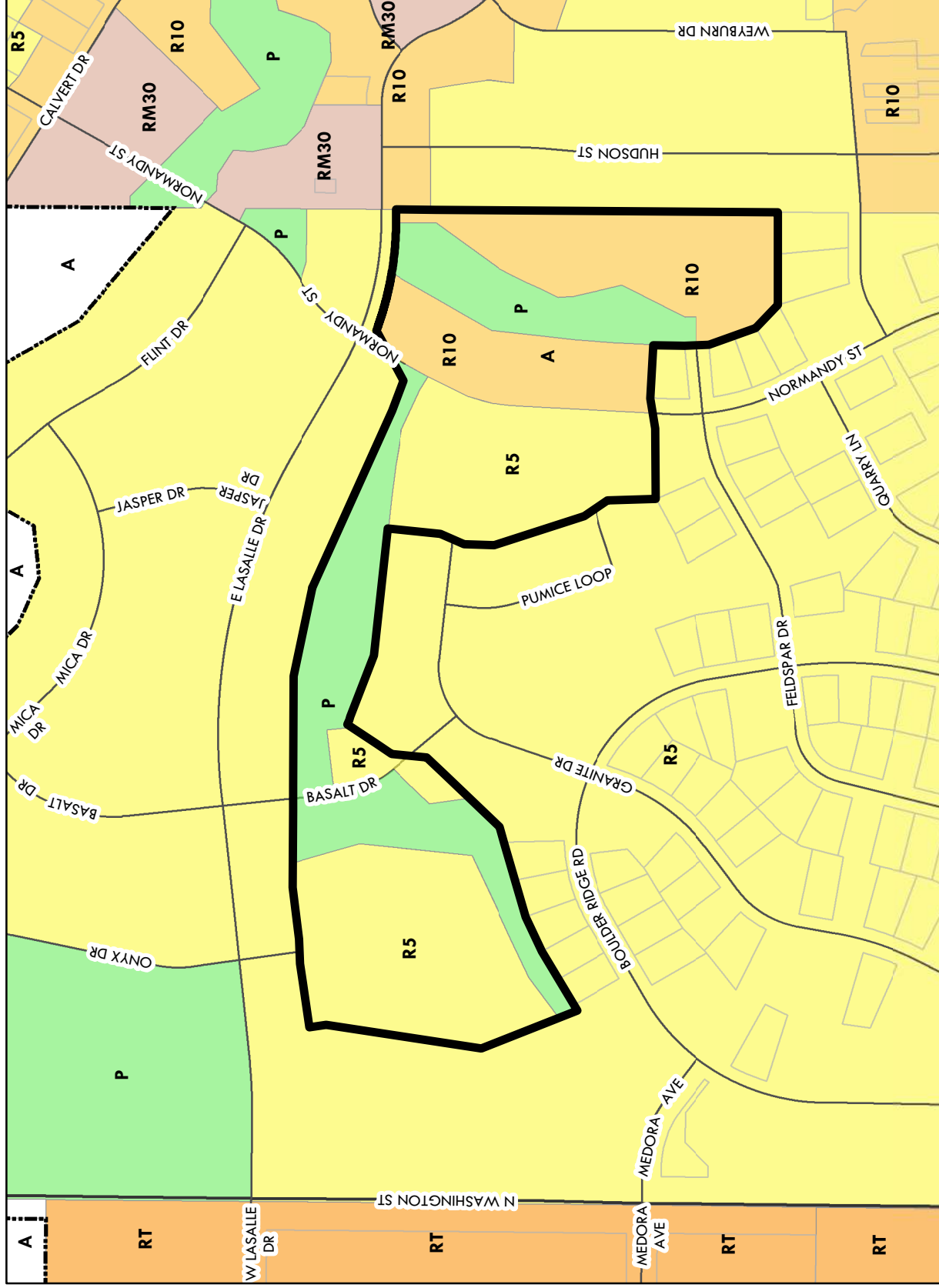
Proposed New Zoning Map



Project Area

Zoning Districts

- A Agriculture
- RR Rural
- R5 Residential
- RMH Residential Manufactured
- R10 Residential Home
- RM Residential
- RTS Residential Multifamily
- HM Residential (Offices)
- CA Health and Medical
- CG Commercial
- MA Commercial Industrial
- MB Industrial
- PUD Planned Unit Development
- DC Downtown Core
- DF Downtown Fringe



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City Limits



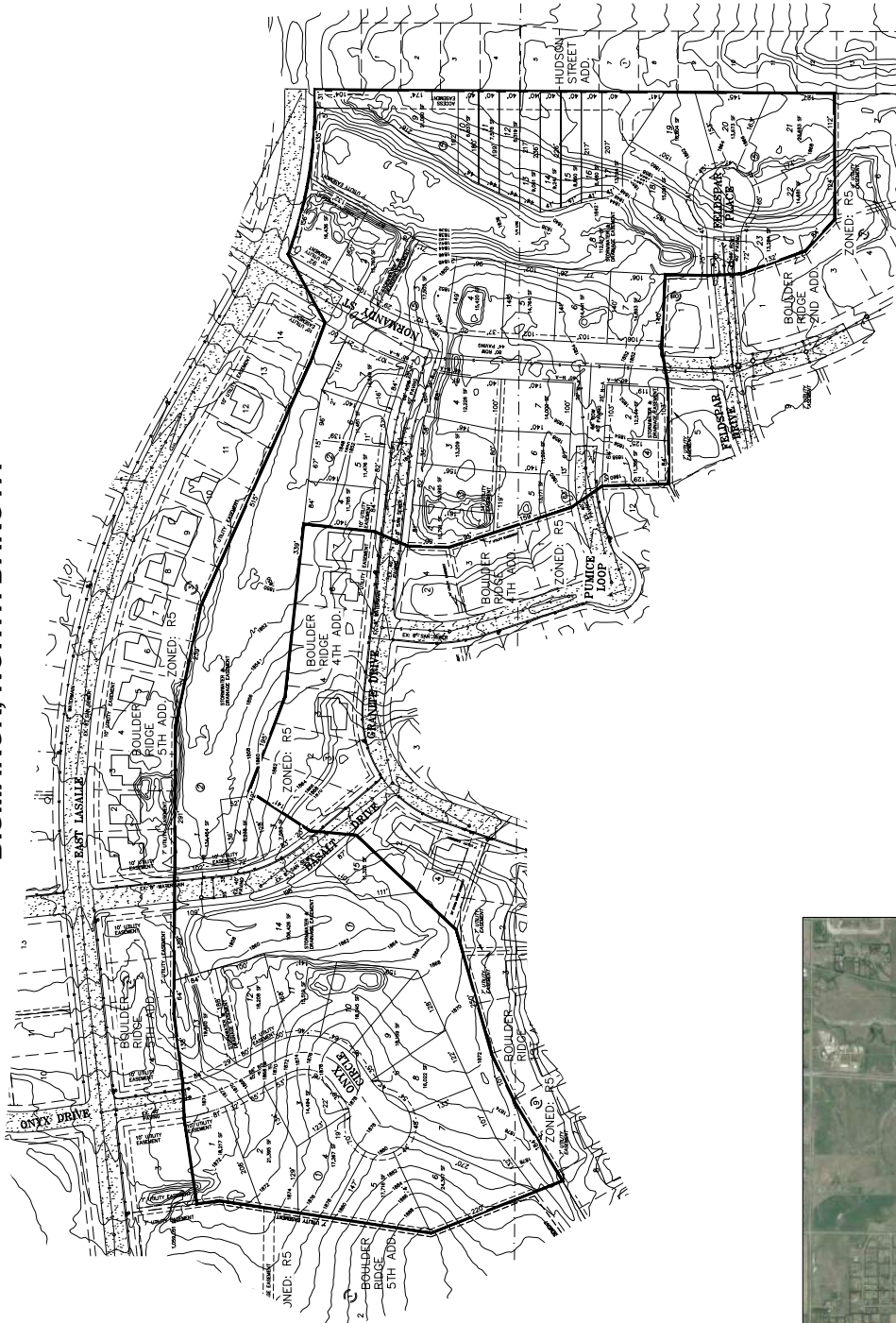
City of Bismarck
Community Development Dept.
Planning Division
December 14, 2017

BOULDER RIDGE EIGHTH ADDITION

BEING A REPLAT OF LOTS 1 & 2 BLOCK 4 BOULDER RIDGE FIFTH ADDITION
AND

PART OF THE NW 1/4 OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, NORTH DAKOTA

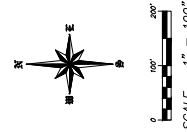


28.74 ACRES
EXISTING ZONING: A
54 LOTS

OWNER: FIVE GUYS INVESTMENT, LLC
ADDRESS: 101 SLATE DR
BISMARCK, ND 58503

FIRM MAP:
38015C0785C
AUGUST 4, 2014

VERTICAL DATUM: NAVD 88
NOVEMBER 14, 2017



LOCATION MAP

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STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 5
December 20, 2017

Application for: Zoning Ordinance Text Amendment

TRAKiT Project ID: ZOTA2017-012

Project Summary

Title:	Size Requirements for Accessory Dwelling Units
Status:	Planning & Zoning Commission – Consideration
Project Contact:	Daniel Nairn, AICP, Planner
Sections Amended:	Sections 14-02-03 – Definitions Section 14-03-08(4)y – Accessory Dwelling Units
Request:	Amend the maximum size requirement for accessory dwelling units in certain circumstances.

Staff Analysis

Community Development Department – Planning Division staff is initiating an amendment to the size requirements for Accessory Dwelling units (ADUs).

Accessory Dwelling Units are a separate and complete residence that may be included within a single-family home or on the same lot as a single-family home. The City Commission adopted an ordinance allowing this use with a special use permit on July 26, 2016.

Since this option was originally envisioned to be used by residents on smaller lots within the city limits, fairly restrictive size limits were placed to prevent structures out of scale with the neighborhood. However, landowners in rural areas have also expressed an interest in this use, and the size limitations may be over restrictive for larger lots.

Currently, no ADU may be larger than 800 square feet, and units inside of the primary residence additionally cannot be greater than 40% of the floor area of the principle dwelling.

Staff proposes three changes:

1. Add a requirement that all ADUs may only include one bedroom.

2. Remove the 800 square foot requirement for ADUs inside of the primary structure, and rely exclusively on the 40% limit to control the size.
3. Allow larger lots outside of city limits to have larger external ADUs in proportion with the size of the lot. Each acre of the lot would allow an additional 100 square feet of ADU size, with a maximum cap of 1,200 Square Feet.

In recent years, many large accessory structures have been built in the rural areas, and some owners have proposed using the upper floors as a residence. The 800 square foot limit is often a challenge to meet, but an additional allowance for larger lots may make this option more palatable without create undue impact to the surrounding properties.

Required Findings of Fact (relating to land use)

1. The proposed text amendment would not adversely affect the public health, safety or general welfare;
2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance;

3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance; and
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning ordinance text amendment of Sections 14-02-03 Definitions and 14-03-08 (Special Uses) of the City Code of Ordinances.

Attachments

1. Draft zoning ordinance amendment
-

Staff report prepared by: Daniel Nairn, AICP, Planner
701-355-1854 | dnairn@bismarcknd.gov

CITY OF BISMARCK

Ordinance No. XXXX

First Reading _____

Second Reading _____

Final Passage and Adoption _____

Publication Date _____

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-02-03 DEFINITIONS AND 14-03-08 SPECIAL USES OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO SIZE REQUIREMENTS FOR ACCESSORY DWELLING UNITS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-02-03 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Definitions is hereby amended and re-enacted to read as follows:

14-02-03. Definitions. The following definitions represent the meanings of terms as they are used in these regulations:

* * * * *

Accessory dwelling unit: A separate and complete dwelling unit established in conjunction with, but clearly subordinate to, the principal single-family dwelling unit, whether within the same structure as the principal unit or within a detached accessory structure on the same lot or parcel. An accessory dwelling unit contains ~~at least~~ one bedroom, kitchen and bathroom facilities, and a separate exterior entrance.

Section 2. Amendment. Section 14-03-08 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to Special Uses is hereby amended and re-enacted to read as follows:

14-03-08. Special Uses.

* * * * *

4. Permanent uses (planning and zoning commission approval). The city planning and zoning commission is authorized to grant special use permits for the following uses:

* * * * *

y. Accessory Dwelling Units:

* * * * *

3. Requirements for All Accessory Dwelling Units. Prior to receiving a special use permit an applicant shall demonstrate that the following requirements will be met:

* * * * *

e. Size requirements.

1. No accessory dwelling unit may include more than one (1) bedroom.

2. Units within Principal Structure: The floor area of an accessory dwelling unit may not exceed forty percent (40%) of the gross floor area of the principal structure, excluding any attached garage, and may not be ~~greater than 800 square feet or~~ less than 300 square feet.

3. Units within Accessory Structure: The floor area of an accessory dwelling unit may not be greater than 800 square feet or less than 300 square feet, ~~regardless of the overall size of the accessory structure.~~ within the corporate limits. Outside of the corporate limits, the maximum allowable size of the accessory dwelling unit is increased by 100 square feet per acre of the size of the lot. Notwithstanding, no accessory dwelling unit may be greater than 1,200 square feet in size.

(Ord. 4136, 4-28-87; Ord. 4286, 08-22-89; Ord. 4312, 2-20-90; Ord. 4331, 6-05-90; Ord. 4425, 03-31-92; Ord. 4486, 04-27-93; Ord. 4563, 12-07-93; Ord. 4564, 11-23-93; Ord. 4598, 04-28-94; Ord. 4598, 04-28-94; Ord. 4620, 07-19-94; Ord. 4702, 06-13-95; Ord. 4713, 08-22-95; Ord. 4738, 11-14-95; Ord. 4739, 11-14-95; Ord. 4745, 02-13-96; Ord. 4802, 11-12-96; Ord. 4808, 11-12-96; Ord. 4912, 07-14-98; Ord. 4913, 06-09-98; Ord. 4936, 09-08-98; Ord. 4946, 10-27-98; Ord. 5027, 02-08-00; Ord. 5214, 11-12-02; Ord. 5218, 11-26-02; Ord. 5224, 12-17-02; Ord. 5228, 01-28-03; Ord. 5278, 09-23-03; Ord. 5317, 06-22-04; Ord. 5343, 06-22-04; Ord. 5348, 07-27-04; Ord. 5351, 08-24-04; Ord. 5438, 06-28-05; Ord. 5467, 10-25-05; Ord. 5527, 06-27-06; Ord. 5719, 05-12-09; Ord. 5728, 05-26-09; Ord. 5764, 01-12-10; Ord. 5820, 4-26-11; Ord. 5852, 11-22-11; Ord. 5958, 03-26-13; Ord. 6028, 01-28-14; Ord. 6040, 04-22-14; Ord. 6050, 05-27-14, corrected 06-10-14; Ord. 6121, 05-26-15; Ord. 6122, 05-26-15; Ord. 6175, 11-24-15; Ord. 6179, 12-22-15; Ord. 6190, 03-08-16);

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date. This ordinance shall take effect following final passage, adoption and publication.

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STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

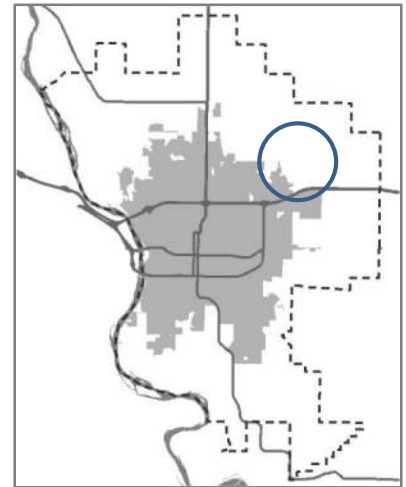
Agenda Item # 6
December 20, 2017

Application for: Annexation

TRAKiT Project ID: ANNX2017-007

Project Summary

Title:	Promontory Point VI Addition Annexation
Status:	Planning & Zoning Commission – Final Consideration
Owner(s):	Santa Fe, LLP
Project Contact:	Ken Nysether, PE, SEH
Location:	In northwest Bismarck, between River Road and the Tyler Coulee (Part of Promontory Point VI Addition).
Project Size:	31.31
Request:	Annex 77 lots for development of single-family homes.



Site Information

Existing Conditions

Number of Lots:	77
Land Use:	Undeveloped
Designated GMP	Low Density Residential
Future Land Use:	
Zoning:	R5 – Residential (upon recordation)
Uses Allowed:	R5 – Single-family residential
Max Density Allowed:	R5 – 5 units / acre

Proposed Conditions

Number of Lots:	77
Land Use:	Single-Family Residences
Designated GMP	Low Density Residential
Future Land Use:	
Zoning:	R5 – Residential
Uses Allowed:	R5 – Single-family residential
Max Density Allowed:	R5 – 5 units / acre

Property History

Zoned:	5/2016 (approved)	Platted:	5/2016 (approved)	Annexed:	N/A
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Staff Analysis

Santa Fe, LLP is requesting approval of the annexation of 77 lots within Promontory Point VI Addition for the development of 77 single-family housing units.

Promontory Point VI Addition and associated rezonings were approved by the City Commission on May 10,

2016. By ordinance, an approved plat must be recorded within six months, unless an extension is granted. The applicant has requested and received several extensions. The final plat in recordable form has now been submitted, and staff expects it will be recorded within the next few weeks. This recordation must occur prior to the annexation.

(continued)

The requested annexation includes ten lots in the northwest portion that would rely on the future sanitary sewer lift station for development. The City Engineer has stated that water and sewer lines may be installed in these areas, but that no development may occur until the facilities necessary to support the sanitary sewer are constructed. A letter from the City Engineer is attached.

As a point of clarification, a two-lot annexation has already been approved for Promontory Point VI Addition, along with an annexation of lots within Promontory Point VII Addition to the west. These approved annexations take effect immediately upon plat recordation. A separate map is attached to help differentiate between these different annexations.

Required Findings of Fact (relating to land use)

1. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve all development allowed by the annexation at the time the property is developed, provided that the conditions of the approval are met by the applicant;
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck;
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance;

4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation of Lots 3-16, Block 5, All of Blocks 6-8, Lots 1-8, Block 9, All of Block 10, and Lots 1-3, Block 11, Promontory Point VI Addition, as shown and described in the attached annexation map, on the condition that:

1. Temporary restrictions are placed on Lots 16-19, Block 7, Lots 5-8, Block 9, and Lots 2-3, Block 10, Promontory Point VI Addition until municipal services are available, as described in the attached letter from the City Engineer dated October 5, 2017.

Attachments

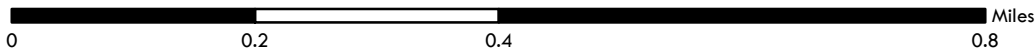
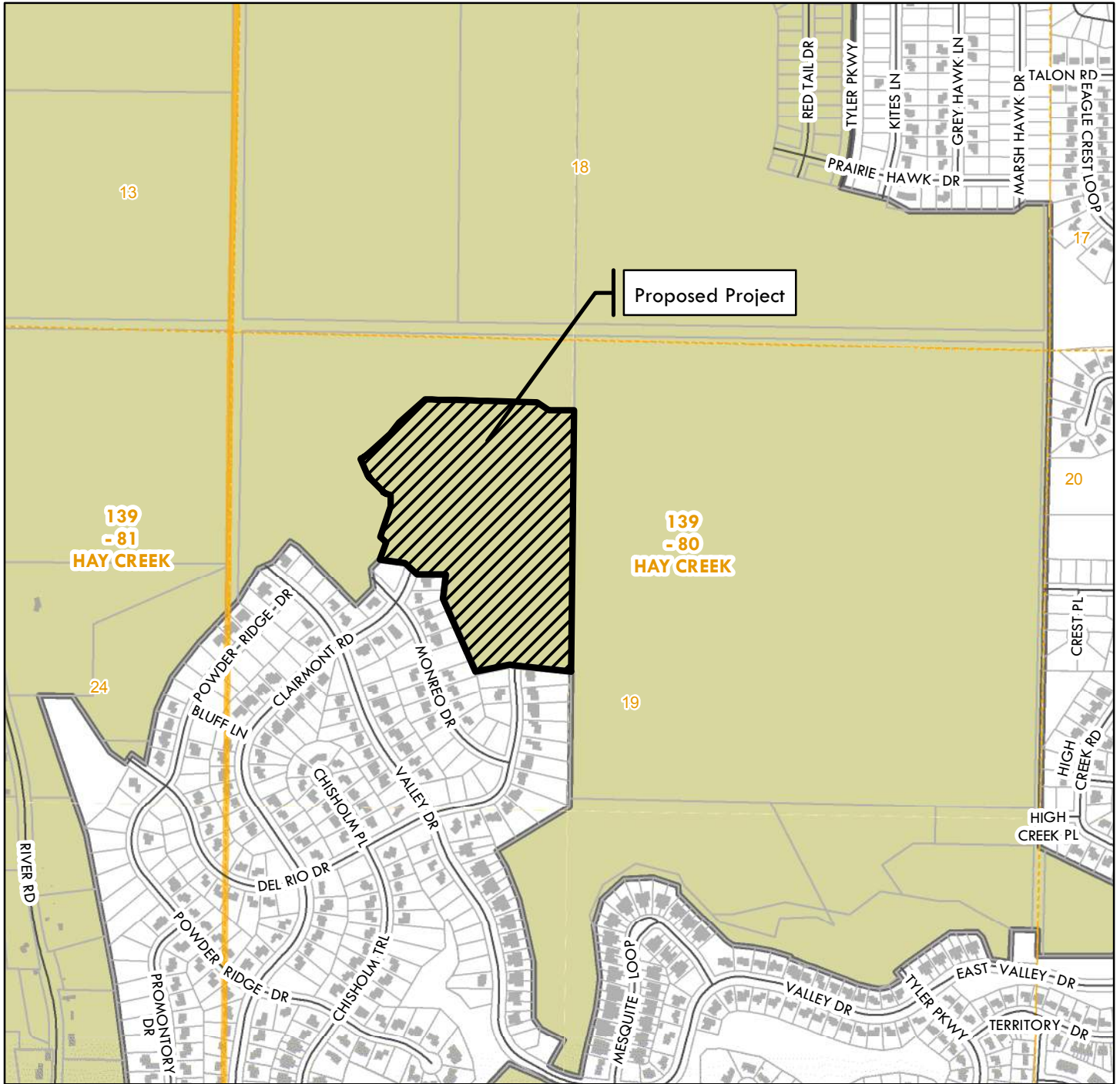
1. Location Map
2. Annexation Map
3. Promontory Point Annexation Compare Map
4. Letter from City Engineer dated October 5, 2017.

Staff report prepared by: Daniel Nairn, AICP, Planner
701-355-1854 | dnairn@bismarcknd.gov



Proposed Annexation
Promontory Point VI Addition - Phase I

Trakit Project ANNX2017-006
Location Map



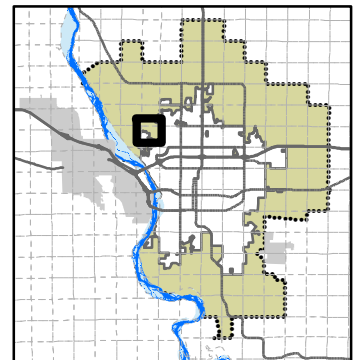
City Limits Bismarck ETA Jurisdiction

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
November 22, 2017 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.





NTS

PROMONTORY POINT VI ADDITION

ANNEXATION MAP

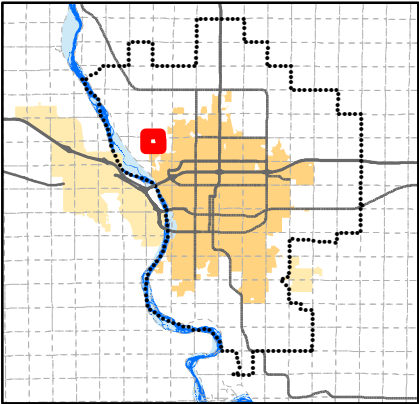
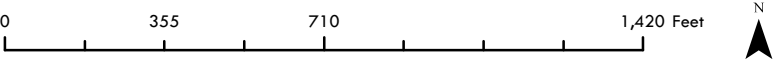
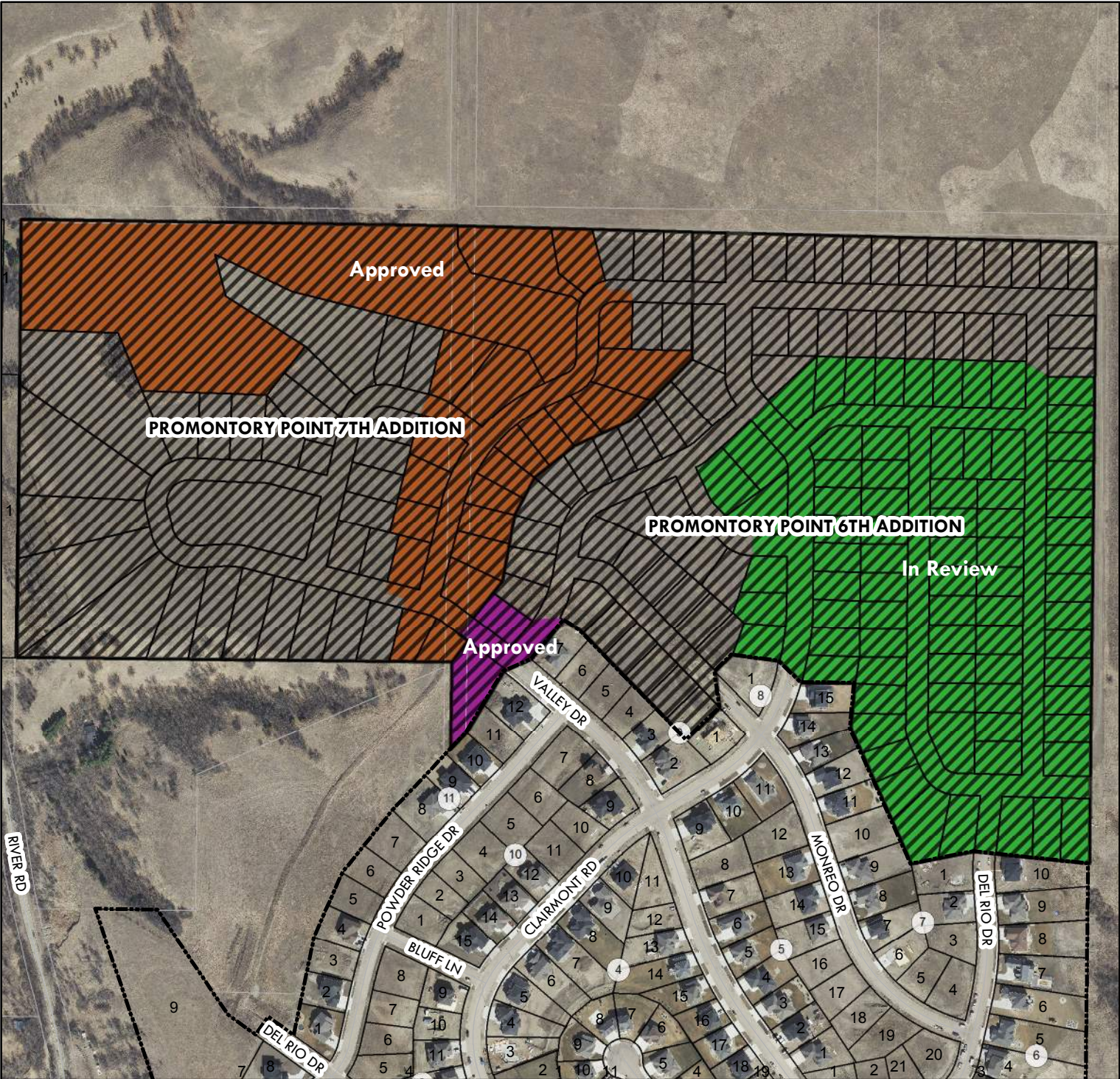
LEGEND:

--- PROPOSED ANNEXATION
BOUNDARY



PHONE: 703.254.7121
4719 SHELBURNE ST., SUITE 6
BENSAUCE, ND 58503-5677
www.sehinc.com

Date: 10/11/17



This map is for reference purpose only and is not intended as a survey or accurate representation of all map features.



October 5, 2017

EMAIL ATTACHMENT ONLY

Lance Wachter
Sante Fe, LLP
PO Box 520
Bismarck ND 58502-0520

Re: Promontory Point VI Utility and Annexation (FPLT2015-007)

Dear Mr. Wachter,

This letter is in response to your request to annex a portion of Promontory Point VI Addition that could not be serviced via gravity sewer until future development occurs to the west. The document presented to the City by SEH on July 27, 2017 (attached) shows 10 lots along Clairmont Rd and Ketchum Ave that can be serviced with sanitary sewer once a future lift station is constructed in future Promontory Point VII. The City can allow water and sewer lines to be installed within the platted and annexed right of way of Promontory Point VI but would place restrictions on those lots so that they cannot develop until such time as sanitary sewer is made available.

You have also requested assurance that the development policy, specifically regarding the ability to special assess improvements, will not change mid-development. The assurance that I can provide is that the City will honor any development activity that has been annexed and petitioned for under the rules in place at the time the request is approved. Petitions for improvements can be received and approved by our office once the plat is recorded and annexed and would be treated in accordance with the development and special assessment policy in place at that time.

Please let me know if you have any other comments or questions.

Sincerely,

A handwritten signature in blue ink that reads "Gabe J. Schell".

Gabe J. Schell, PE
City Engineer
Enc.

Gabriel J. Schell, PE, City Engineer





Phone: 701-355-1505 • TDD: 711 • Fax: 701-222-6593 • 221 N. Fifth St. • PO Box 5503 • Bismarck, ND 58506-5503
Email: bisengd@bismarcknd.gov • www.bismarcknd.gov



PROMONTORY POINT VI ADDITION



LEGEND:

-  PROPOSED ANNEXATION BOUNDARY
-  PROPOSED GRAVITY SANITARY TO PROMONTORY POINT V ADDITION
-  PROPOSED GRAVITY SANITARY TO FUTURE PROMONTORY POINT VII ADDITION LIFT STATION
-  PROPOSED PARK



PHONE: 703.354.7121
4729 SHELBURNE ST., SUITE 6
WESTPAC, MD 20653-5677
WWW.SEHINC.COM

Date: 7/27/17

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STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

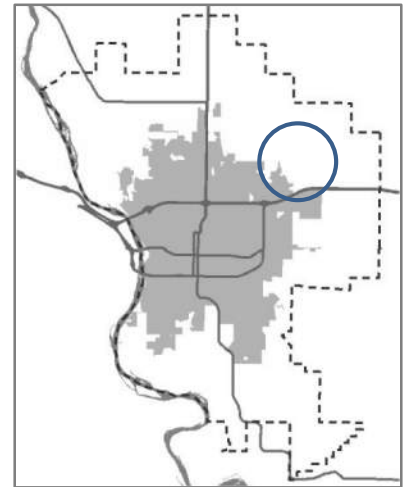
Agenda Item # 7
December 20, 2017

Application for: Annexation

TRAKiT Project ID: ANN2017-007

Project Summary

<i>Title:</i>	Silver Ranch First Addition – Phase 1 Annexation
<i>Status:</i>	Planning & Zoning Commission – Final Consideration
<i>Owner(s):</i>	WW Investments LLP Chad Wachter LLC
<i>Project Contact:</i>	Toni Haider, PE, SEH
<i>Location:</i>	In northeast Bismarck, south of 43 rd Avenue NE and east of 52 nd Street NE (part of Silver Ranch First Addition).
<i>Project Size:</i>	73.04
<i>Request:</i>	Annex 158 lots for development of single-family homes.



Site Information

Existing Conditions

<i>Number of Lots:</i>	158
<i>Land Use:</i>	Undeveloped
<i>Designated GMP</i>	Low Density Residential
<i>Future Land Use:</i>	
<i>Zoning:</i>	R5 – Residential (upon recordation)
<i>Uses Allowed:</i>	R5 – Single-family residential
<i>Max Density Allowed:</i>	R5 – 5 units / acre

Proposed Conditions

<i>Number of Lots:</i>	158
<i>Land Use:</i>	Single-Family Residences
<i>Designated GMP</i>	Low Density Residential
<i>Future Land Use:</i>	
<i>Zoning:</i>	R5 – Residential
<i>Uses Allowed:</i>	R5 – Single-family residential
<i>Max Density Allowed:</i>	R5 – 5 units / acre

Property History

<i>Zoned:</i>	11/2017 (approved)	<i>Platted:</i>	11/2017 (approved)	<i>Annexed:</i>	N/A
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Staff Analysis

WW Investments, LLP and Chad Wachter, LLC are requesting approval of the annexation of a portion of Silver Ranch First Addition for the development of single-family homes.

Silver Ranch First Addition and the associated zoning changes were approved by the City Commission on November 14, 2017. The plat has not been submitted for recordation yet, and any approved annexation would be recorded and effective when the plat is recorded.

(continued)

Because of the scale and nature of Silver Ranch First Addition, a development agreement was entered into between the City and the developer to determine the responsibility for and timing of all improvements necessary to develop the subdivision. One of the conditions of this agreement was that the applicant petition for the annexation of "Phase 1" of development at the time the agreement is signed. This provides a certain level of assurance to the City that funds would be available to assist with the costs of improvements necessary to serve the development.

Required Findings of Fact (relating to land use)

1. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed;
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck;
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

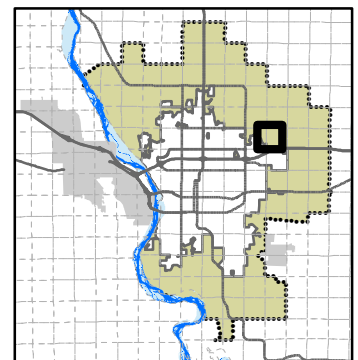
Staff Recommendation

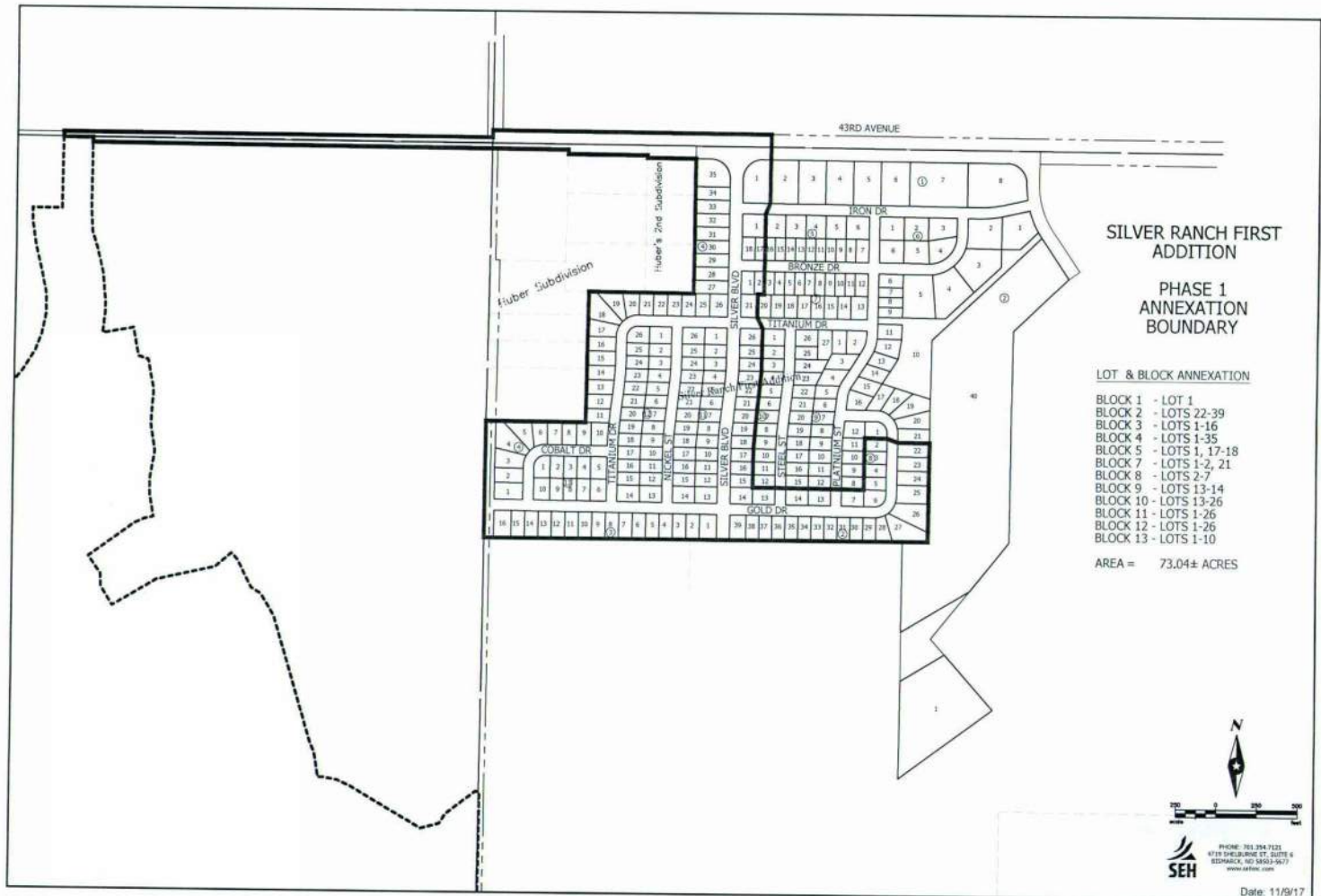
Based on the above findings, staff recommends approval of the annexation of Lot 1, Block 1, Lots 22-39, Block 2, All of Blocks 3-4, Lots 1 and 17-18, Block 5, Lots 1-2 and 21, Block 7, Lots 2-7, Block 8, Lots 13-14, Block 9, Lots 13-26, Block 10, All of Blocks 11-13, Silver Ranch First Addition and the 43rd Avenue NE right of way between the centerline of Roosevelt Drive and the eastern edge of Lot 1, Block 1, Silver Ranch First Addition, as shown and described in the attached annexation map.

Attachments

1. Location Map
2. Annexation Map

Staff report prepared by: Daniel Nairn, AICP, Planner
701-355-1854 | dnairn@bismarcknd.gov







STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

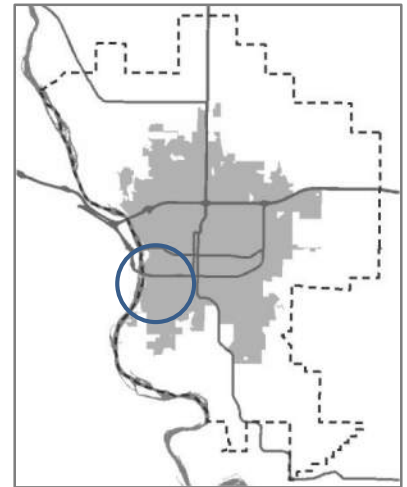
Agenda Item # 8
December 20, 2017

Application for: Zoning Change

TRAKiT Project ID: ZC2017-019

Project Summary

<i>Title:</i>	Lot 15, Block 2, Southwood Terrace
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Mary Ann Preble
<i>Project Contact:</i>	Benjamas Gillund
<i>Location:</i>	In southwest Bismarck, south of West Bismarck Expressway and west of South Washington Street on the south side of Riverwood Drive.
<i>Project Size:</i>	0.27 acres
<i>Request:</i>	Rezone property for adaptive reuse of single-family residential building as a restaurant.



Site Information

Existing Conditions

<i>Number of Lots:</i>	1
<i>Land Use:</i>	Single-Family Residence
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	RM30 – Residential
<i>Uses Allowed:</i>	RM30 – Multi-family residential
<i>Max Density Allowed:</i>	RM30 – 30 units / acre

Proposed Conditions

<i>Number of Lots:</i>	1
<i>Land Use:</i>	Restaurant
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	CA – Commercial
<i>Uses Allowed:</i>	CA – Neighborhood commercial
<i>Max Density Allowed:</i>	CA – 30 units / acre

Property History

<i>Zoned:</i>	Pre - 1980	<i>Platted:</i>	03/1961	<i>Annexed:</i>	03/1961
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Staff Analysis

The Planning and Zoning Commission considered this zoning change request at their meeting of October 25, 2017, and called for a public hearing.

Benjamas Gillard is requesting approval of a zoning change from the RM30 – Residential zoning district to the CA – Commercial zoning district for Lot 15, Block 2, Southwood Terrace. The applicant intends to purchase a single-family home on the lot and adaptively reuse the building for a restaurant.

(continued)

The adjacent uses are office uses to the west, multifamily residential to the south, and commercial uses including a restaurant, bank, and gas station to the east across Riverwood Drive.

The property is currently zoned RM30-Residential, and single-family homes are not a permitted use within this district. Therefore, the existing single-family home on the lot is considered a non-conforming use, which may complicate financing for any transfer of property as long as the use remains non-conforming.

The intent of the CA – Commercial zoning district is to provide neighborhood-scale commercial that is less intensive than uses allowed in the CG – Commercial zoning district across Riverwood Drive to the east. According to Section 14-13-11 of the City Code of Ordinances (Landscaping and Screening), a 15-foot landscaped buffer would be required along the south side of the lot to create a visual screen between the restaurant and the multifamily housing to the south.

If the zoning change is approved, the applicant would need to submit a site plan and receive approval before any building permit for adaptive reuse may be issued. The applicant has provided preliminary sketches to show the feasibility of parking and a buffer, but this would be addressed in more detail during the site plan review process.

The applicant intends to move the access point on the lot. The residence is currently accessed from the north off of Riverwood Drive, and this driveway would be removed. A new access point would be created from the southeast side of the lot, connecting to the local Pleasant Street. Because the curve in Riverwood Drive, providing direct access for a restaurant onto this roadway could present a safety hazard.

Staff raised questions about the maneuverability of delivery trucks into and out of this site, and the applicant has provided additional information. At this time, deliveries are expected weekly by a 57-foot long semi truck. The truck would enter and exit via Riverwood Drive, and use only the northern portion of Pleasant street to back into the parking lot proposed on the south side of the lot. A trucking company that would supply the proposed use has submitted a letter stating they are able to comply with the turning movements as

shown. The use of local streets for truck maneuverability is allowed in Section 14-03-10(10) (Off-Street Parking and Loading) with approval by the City Engineer.

A preliminary site plan showing the access has been attached. A full site plan, providing more details and dimensions for the driveway, would be required before any site development.

Required Findings of Fact (relating to land use)

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval for the zoning change from the RM30 – Residential zoning district to the CA – Commercial zoning district for Lot 15, Block 2, Southwood Terrace.

(continued)

Attachments

1. Location Map
2. Zoning and Plan Reference Map
3. Preliminary Site Plan
4. Letter from trucking company showing proposed turning movements.

Staff report prepared by: Daniel Nairn, AICP Planner
701-355-1854 | dnairn@bismarcknd.gov

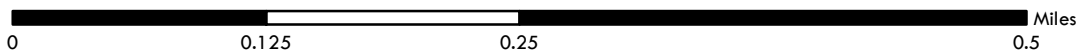
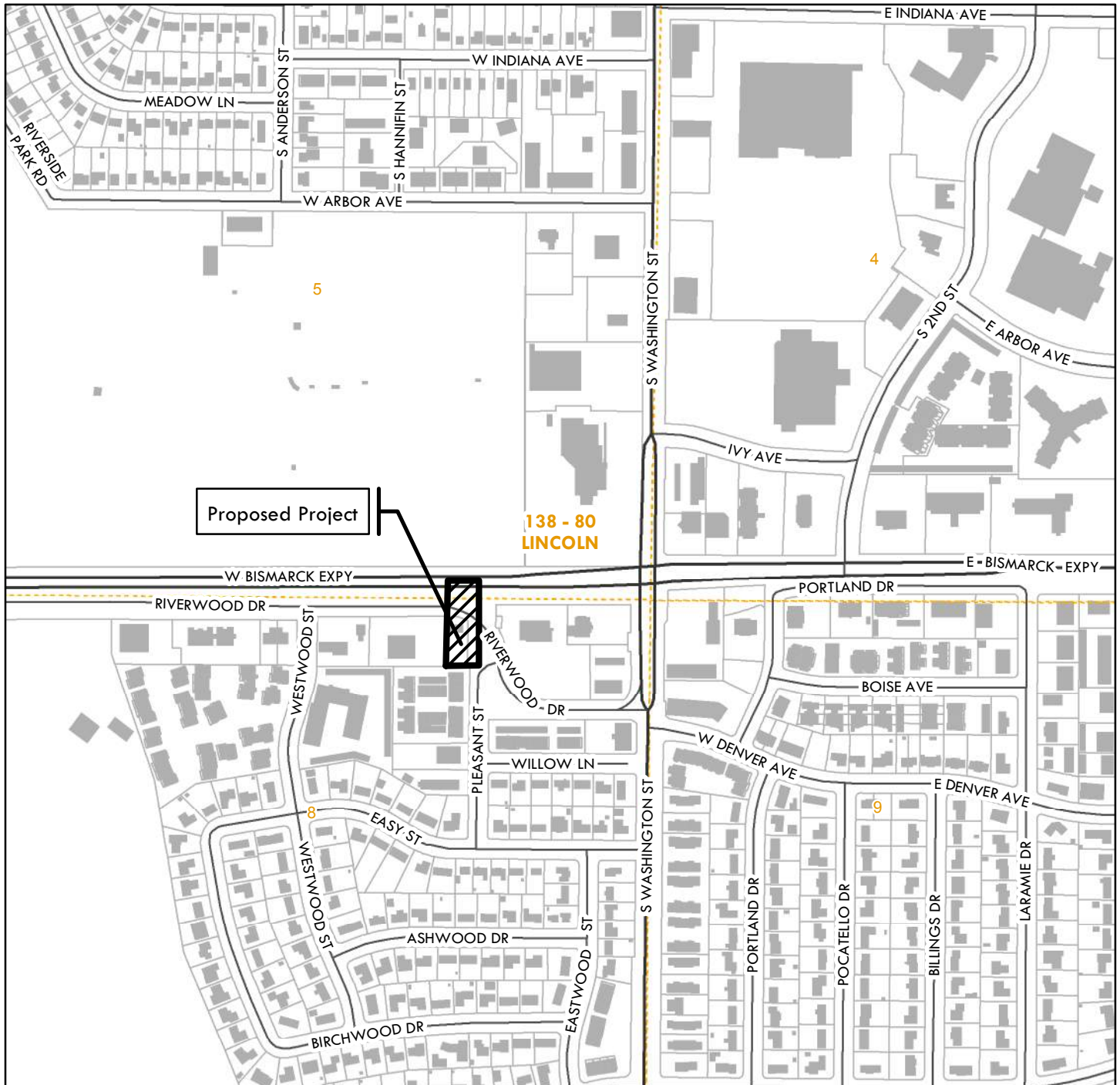


Proposed Zoning Change (RM30 to CA)

Lot 15, Block 2, Southwood Terrace

Trakit Project ZC2017-019

Location Map

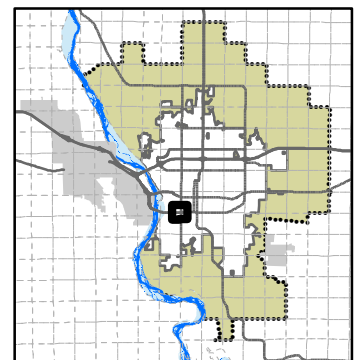


City Limits



Bismarck ETA Jurisdiction

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
October 18, 2017 (HLB)

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Proposed Zoning Change (RM30 to CA)

Lot 15, Block 2, Southwood Terrace

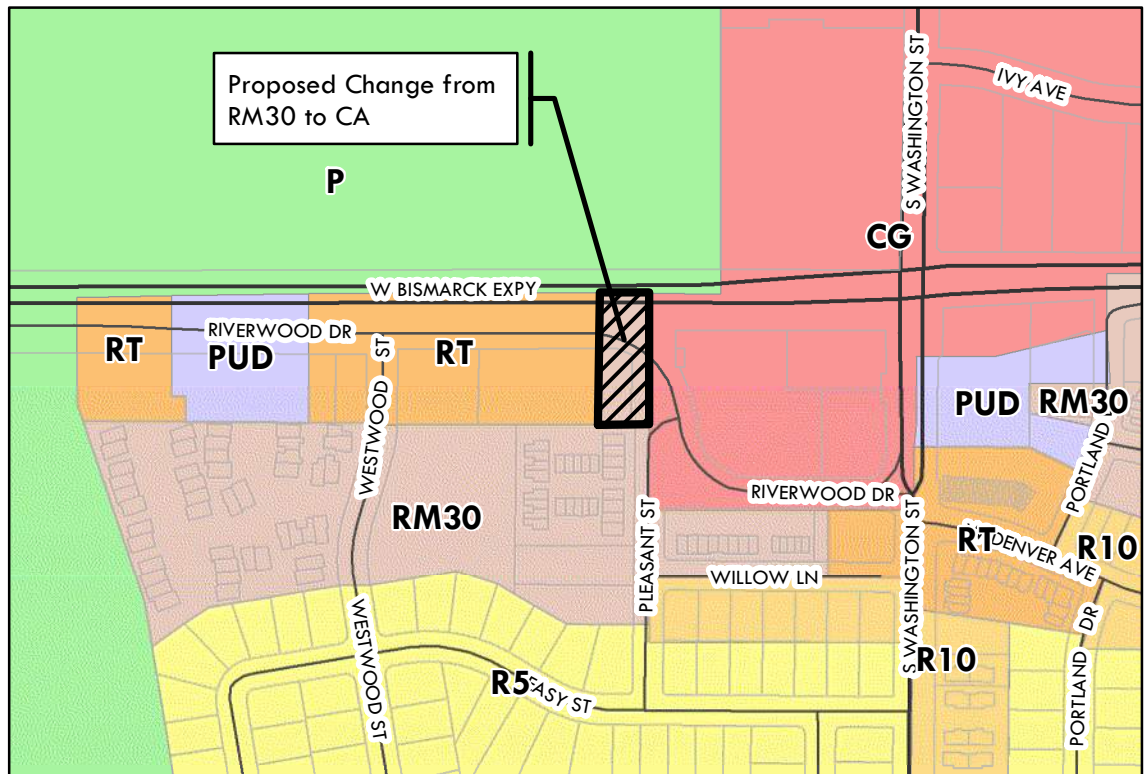
Zoning and Plan
Reference Map

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
	Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

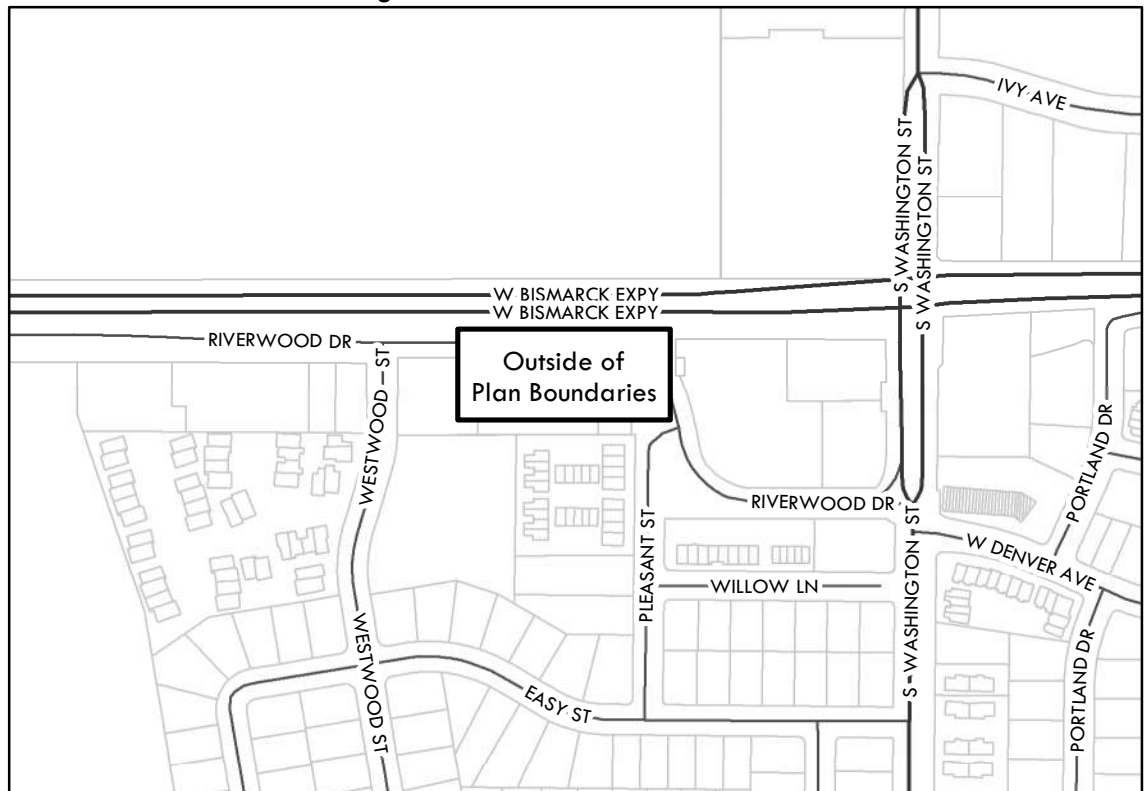
Zoning Map



Future Land Use Plan and Fringe Area Road Master Plan

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve



Fringe Area Road Master Plan

- ● ● ● Planned Arterial
- ● ● ● Planned Collector

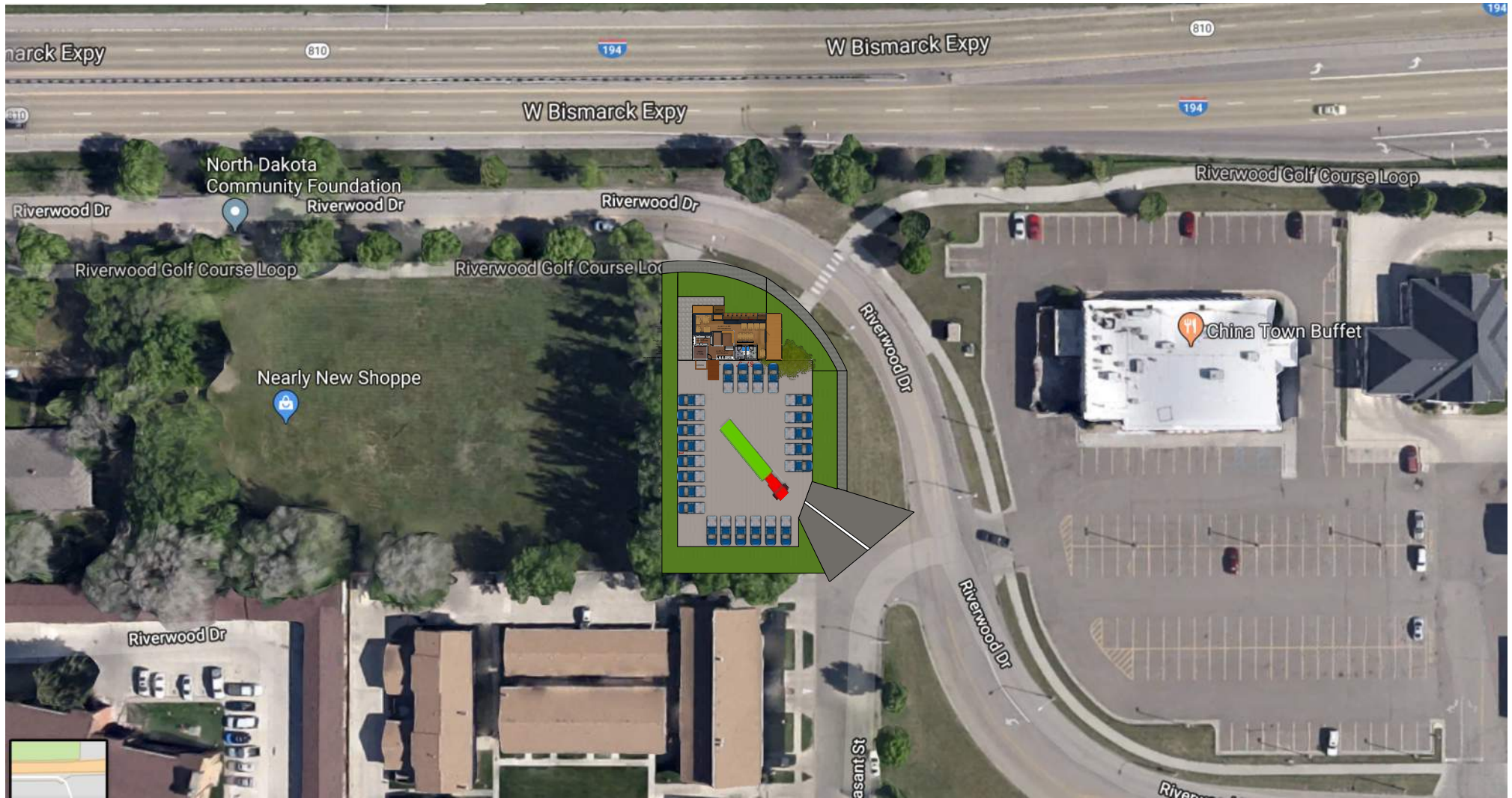
0 0.05 0.1 0.2 Miles



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City of Bismarck
Community Development Dept.
Planning Division
October 16, 2017





Sysco Asian Foods, Inc.
1300 L'Orient St
St. Paul, MN 55117
T 651.558.2400
F 651.488.1403
asianfoods.com
sysco.com

To Whom It May Concern:

This letter is to confirm that Sysco Asian Foods will be able to make the delivery to 409 Riverwood Drive, Bismarck, ND 58504 in the manner requested by the City of Bismarck.

We have received the instructional PDF and will implement it as our Standard Operating Procedure.

Should you have any questions, you may contact me at 651-558-2446.

Sincerely,

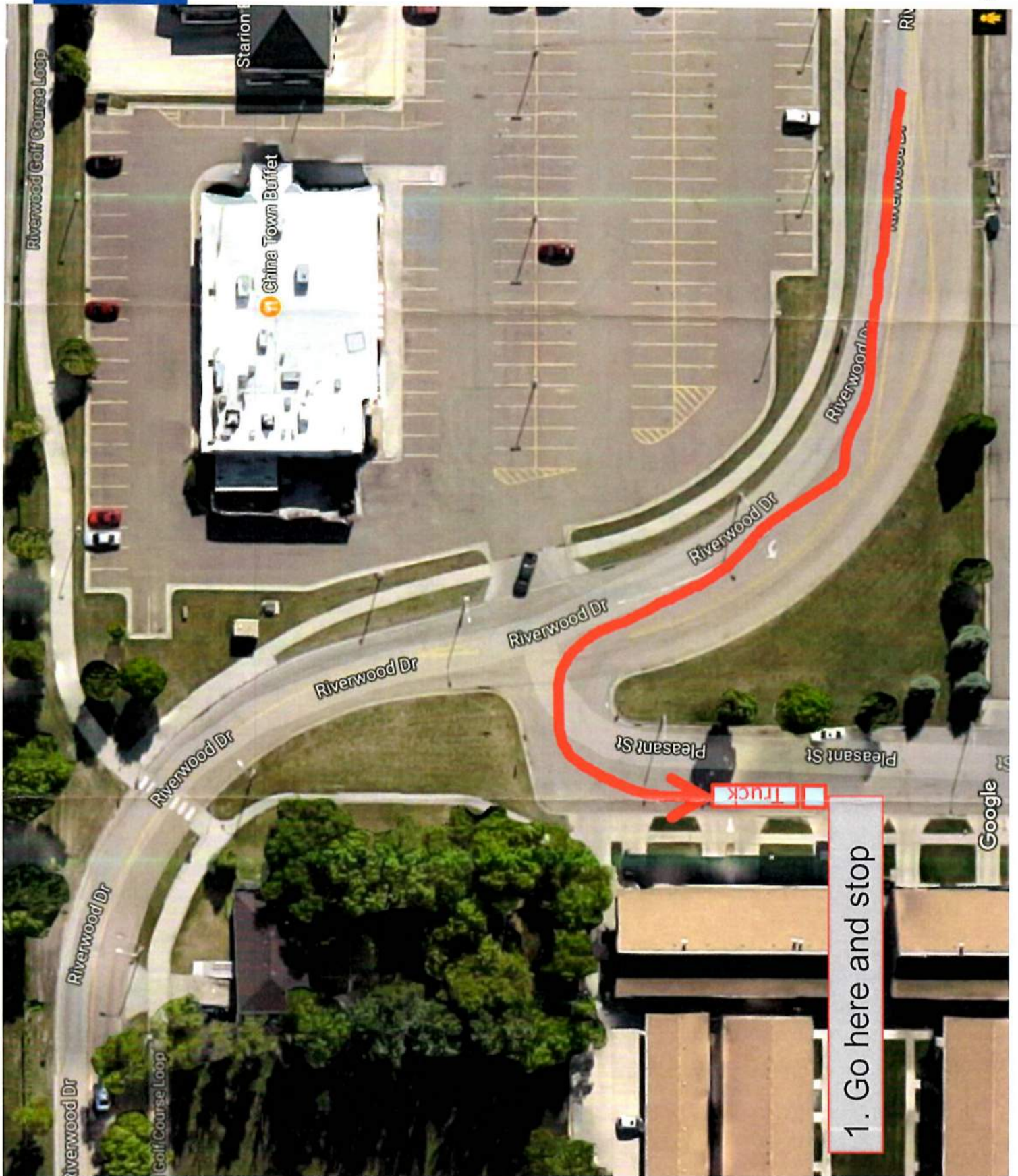
Jamal Hickman

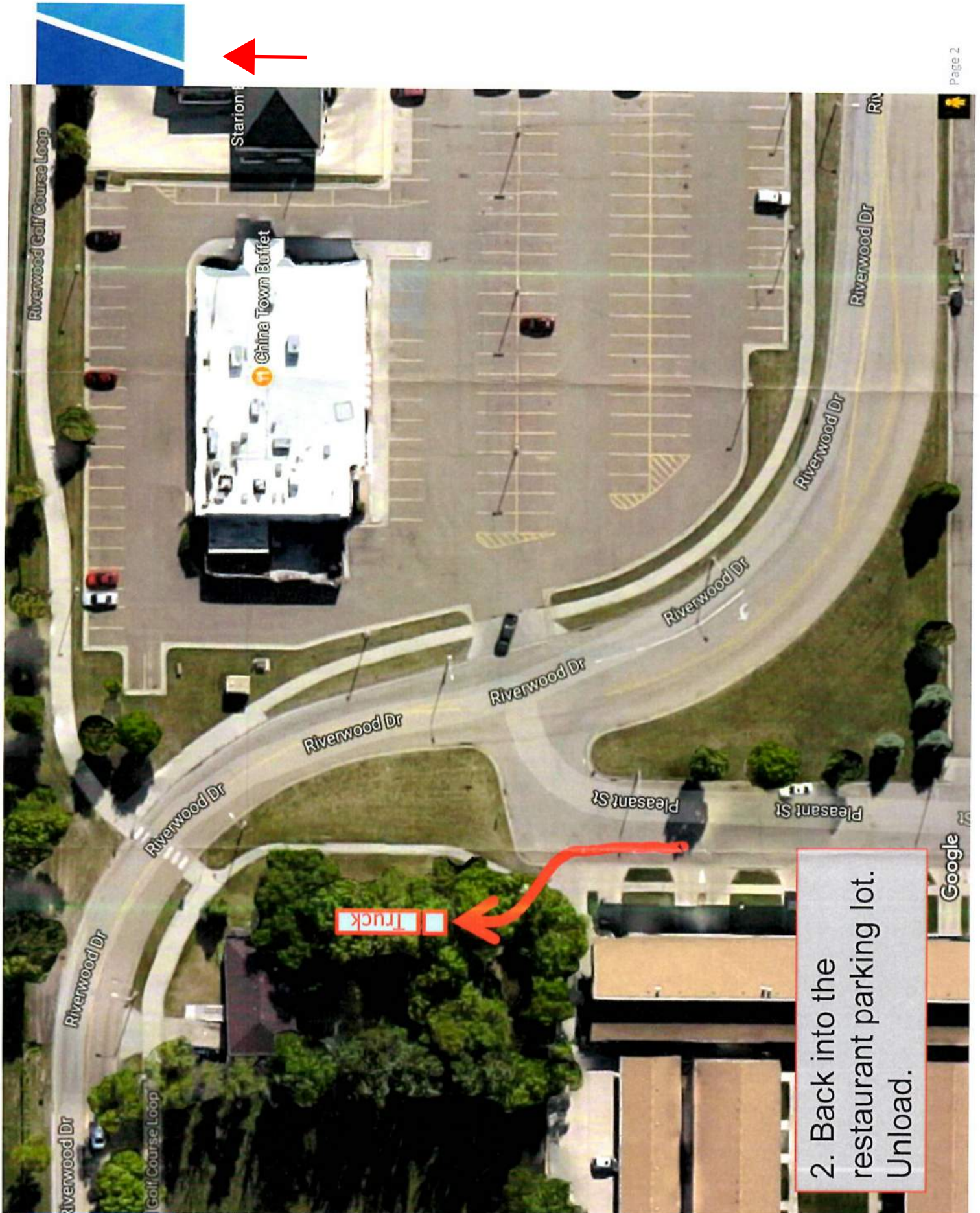
Transportation Manager

T 651.558.2446

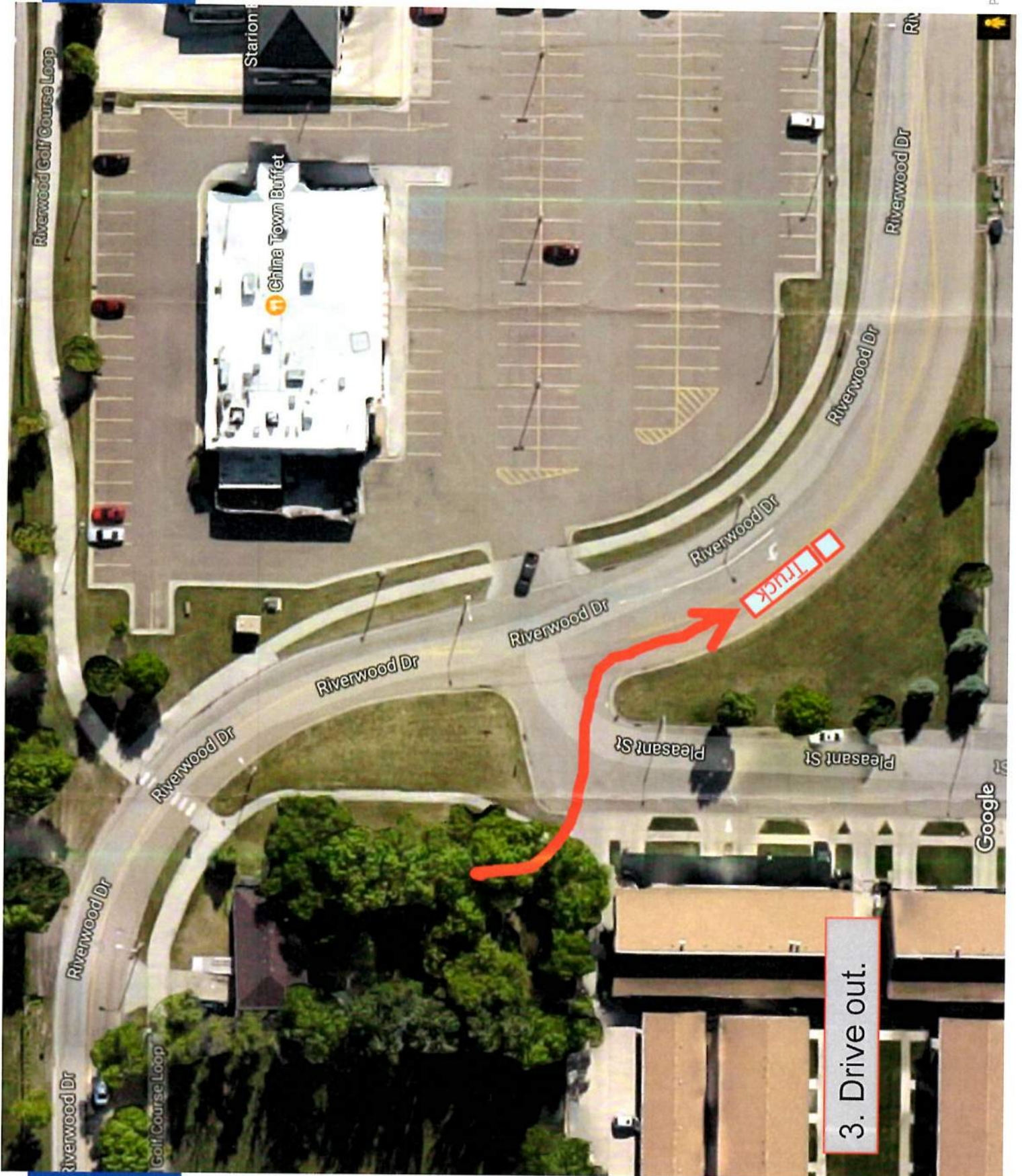
F 651.488.1403







2. Back into the restaurant parking lot. Unload.





STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

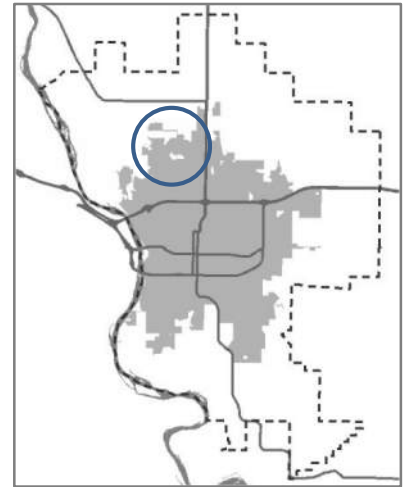
Agenda Item # 9
December 20, 2017

Application for: Zoning Change

TRAKiT Project ID: ZC2017-020

Project Summary

<i>Title:</i>	Lot 2, Block 1, Boulder Ridge 5 th Addition
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Ron and Ruth Knutson (owner) Todd Berning (applicant)
<i>Project Contact:</i>	Todd Berning
<i>Location:</i>	In northwest Bismarck, between East Lasalle Drive and Medora Avenue, along the east side of North Washington Street.
<i>Project Size:</i>	7.5 acres
<i>Request:</i>	Rezone property for multi-family residential.



Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	1 lot in 1 block	<i>Number of Lots:</i>	1 lot in 1 block
<i>Land Use:</i>	Single-family residential	<i>Land Use:</i>	Multi-family residential
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan	<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	R5 – Residential	<i>Zoning:</i>	RM20 – Residential
<i>Uses Allowed:</i>	R5 – Single-family residential	<i>Uses Allowed:</i>	RM20 – Multi-family residential
<i>Max Density Allowed:</i>	R5 – 5 units / acre	<i>Max Density Allowed:</i>	RM20 – 20 units / acre

Property History

<i>Zoned:</i>	10/2012	<i>Platted:</i>	10/2012	<i>Annexed:</i>	10/2012
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Staff Analysis

The Planning and Zoning Commission considered the proposed zoning change at their meeting of November 15, 2017.

Todd Berning and Ron and Ruth Knutson are requesting approval of a zoning change from the R5 – Residential zoning district to the RM20 – Residential zoning district for Lot 2, Block 1, Boulder Ridge 5th Addition. If approved as proposed, the zoning change would allow for multi-family residential.

The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include a grade school (Liberty Elementary) to the north, across East Lasalle Drive, an undeveloped R5 – Residential zoned lot and undeveloped property to the east, a stormwater and drainage easement and single-family uses along the south side of the property and a religious facility to the west, across North Washington Street, recently rezoned to allow a continuum of care facility.

A buffer yard in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening) will be installed in conjunction with site development along the eastern and southern portions of the property.

Required Findings of Fact (relating to land use)

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;

3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning change from the R5 – Residential zoning district to the RM20 – Residential zoning district for Lot 2, Block 1, Boulder Ridge 5th Addition.

Attachments

1. Location Map
2. Zoning and Plan Reference Map

Staff report prepared by: Jenny Wollmuth, AICP, CFM, Planner
701-355-1845 | jwollmuth@bismarcknd.gov

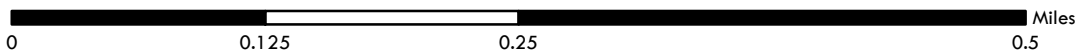
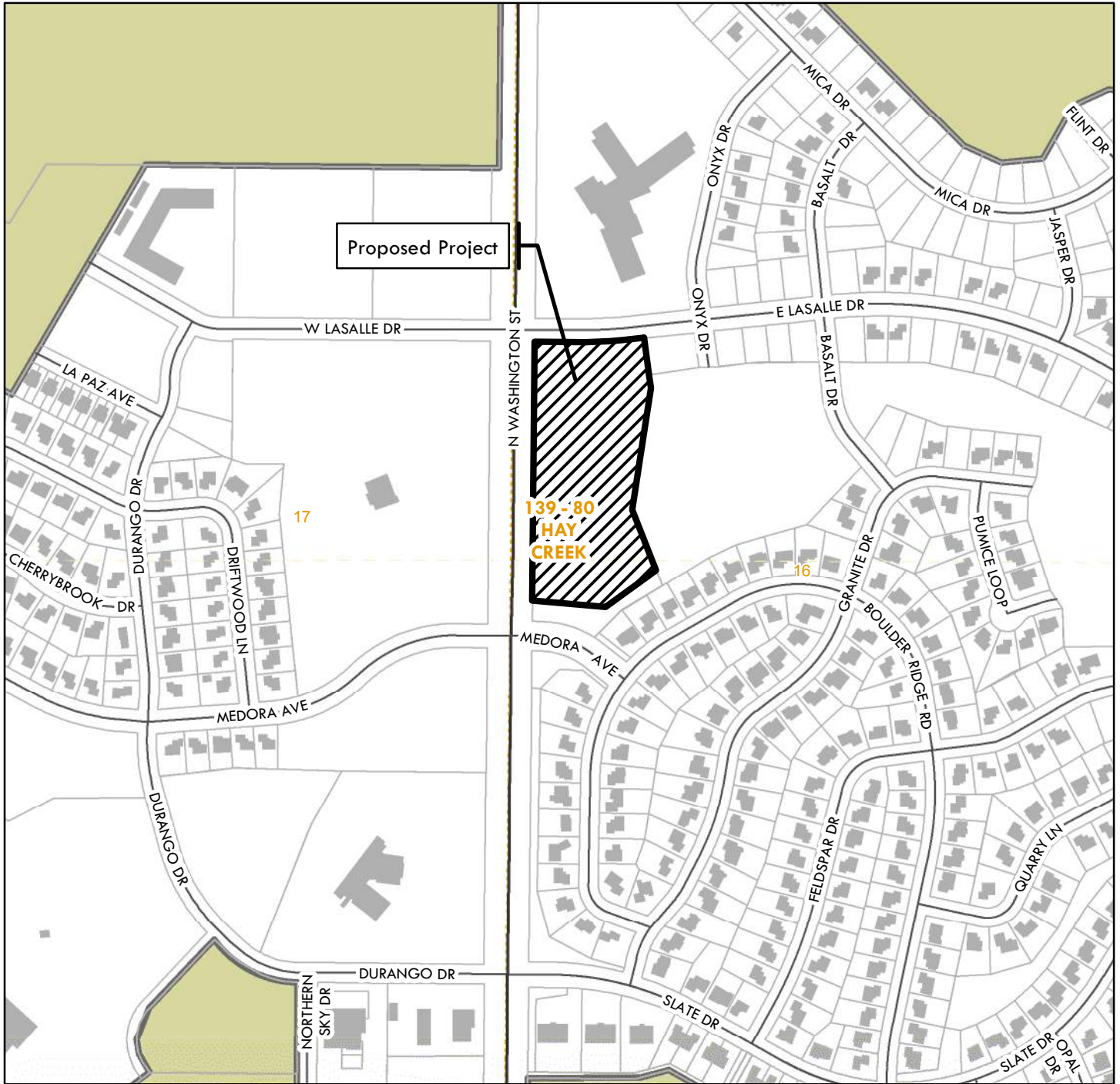


Proposed Zoning Change (R5 to RM20)

Lot 2, Block 1, Boulder Ridge 5th Addition

Trakit Project ZC2017-020

Location Map



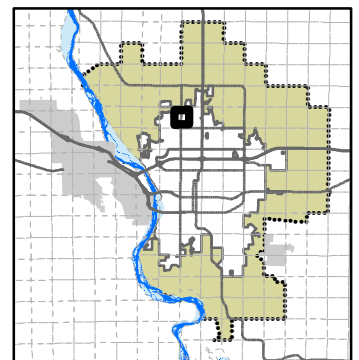
City Limits Bismarck ETA Jurisdiction

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
October 13, 2017 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

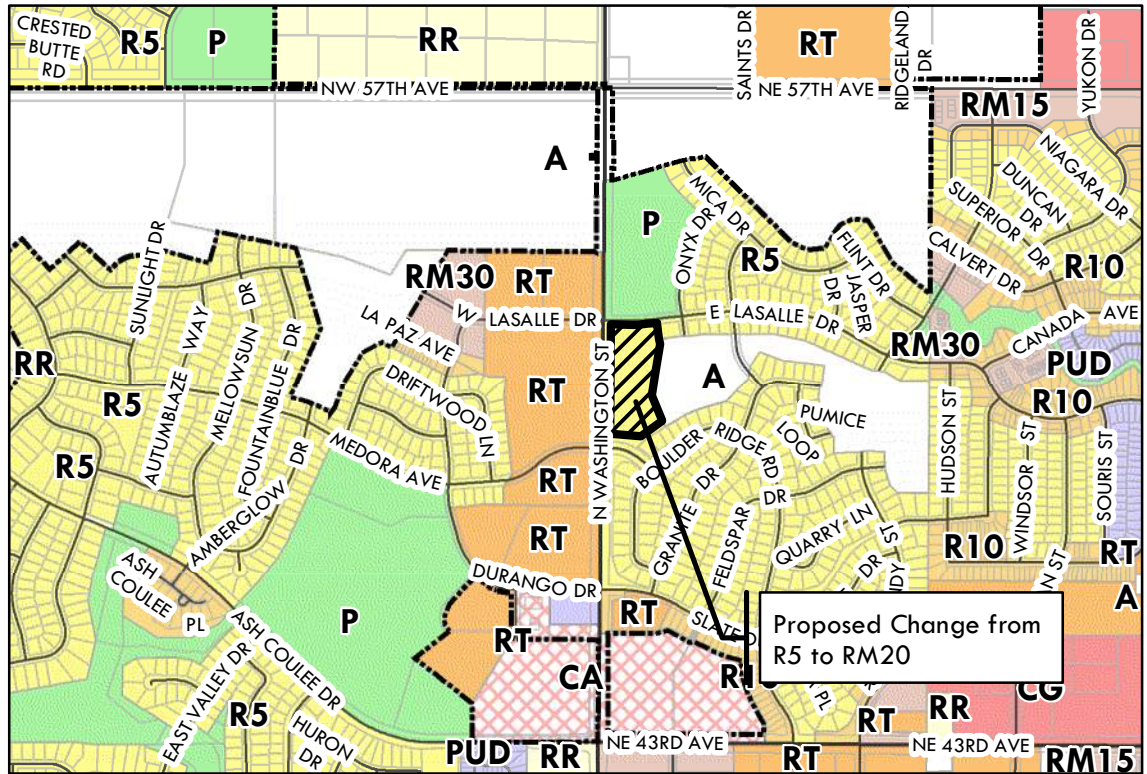


- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily (Offices)
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

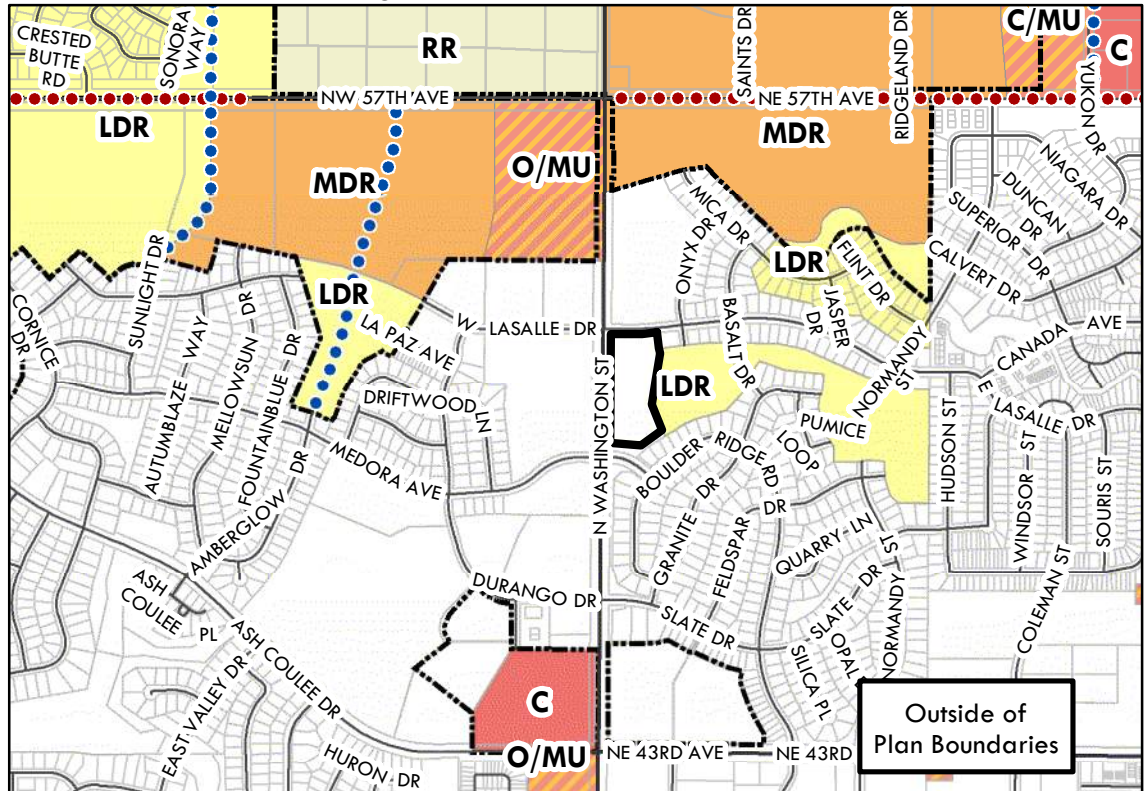
Zoning Map



Future Land Use Plan

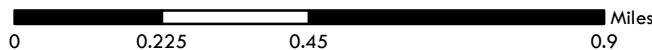
CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Future Land Use Plan and Fringe Area Road Master Plan



Fringe Area Road Master Plan

- Planned Arterial
- Planned Collector



This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.





STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 10

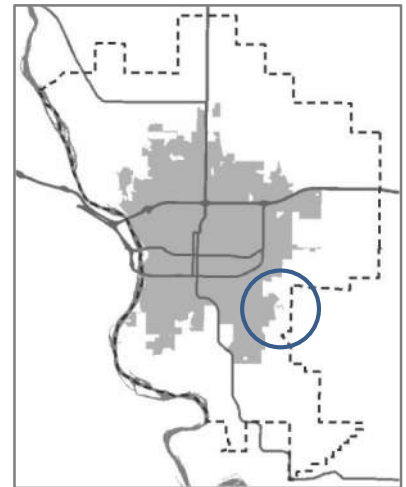
December 20, 2017

Application for: Zoning Change

TRAKiT Project ID: ZC2017-021

Project Summary

Title:	Lots 4 and 5, Block 1, Duemeland's Third Subdivision
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Capital Investments JMS Land Development, LLC.
Project Contact:	Landon Niemiller, Swenson Hagen and Company
Location:	Southeast of Bismarck, south of Apple Creek Road and east of Yegen Road, along the north side of Cartridge Loop.
Project Size:	6.73 acres, more or less
Request:	Rezone property to clarify zoning boundary and allow for approval of a lot modification.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	2 lots in 1 block	Number of Lots:	2 lots in 1 block
Land Use:	Industrial	Land Use:	Industrial
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	MA – Industrial MB – Industrial	Zoning:	MB – Industrial
Uses Allowed:	MA – Light industrial, general commercial, warehouses, manufacturing and shop condos MB – Heavy industrial, manufacturing, general commercial, and services	Uses Allowed:	MB – Heavy industrial, manufacturing, general commercial, and services
Max Density Allowed:	MA – N/A MB – N/A	Max Density Allowed:	MB – N/A

Property History

Zoned:	Pre-1980	Platted:	09/1988	Annexed:	N/A
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Staff Analysis

The Planning and Zoning Commission considered the proposed zoning change at their meeting of November 15, 2017.

Capital Investments and JMS Land Development, LLC. are requesting approval of a zoning change to bring both Lots 4 and 5 into one zoning district and to allow approval of a proposed lot modification.

The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include industrial uses to the north, south across Cartridge Loop, east and west.

Required Findings of Fact (relating to land use)

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. Burleigh County and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;

4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning change from the MA – Industrial and MB – Industrial zoning districts to the MB – Industrial zoning district for Lots 4 and 5, Block 1, Duemeland's Third Subdivision.

Attachments

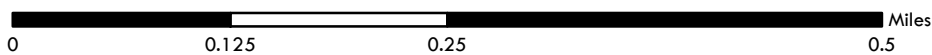
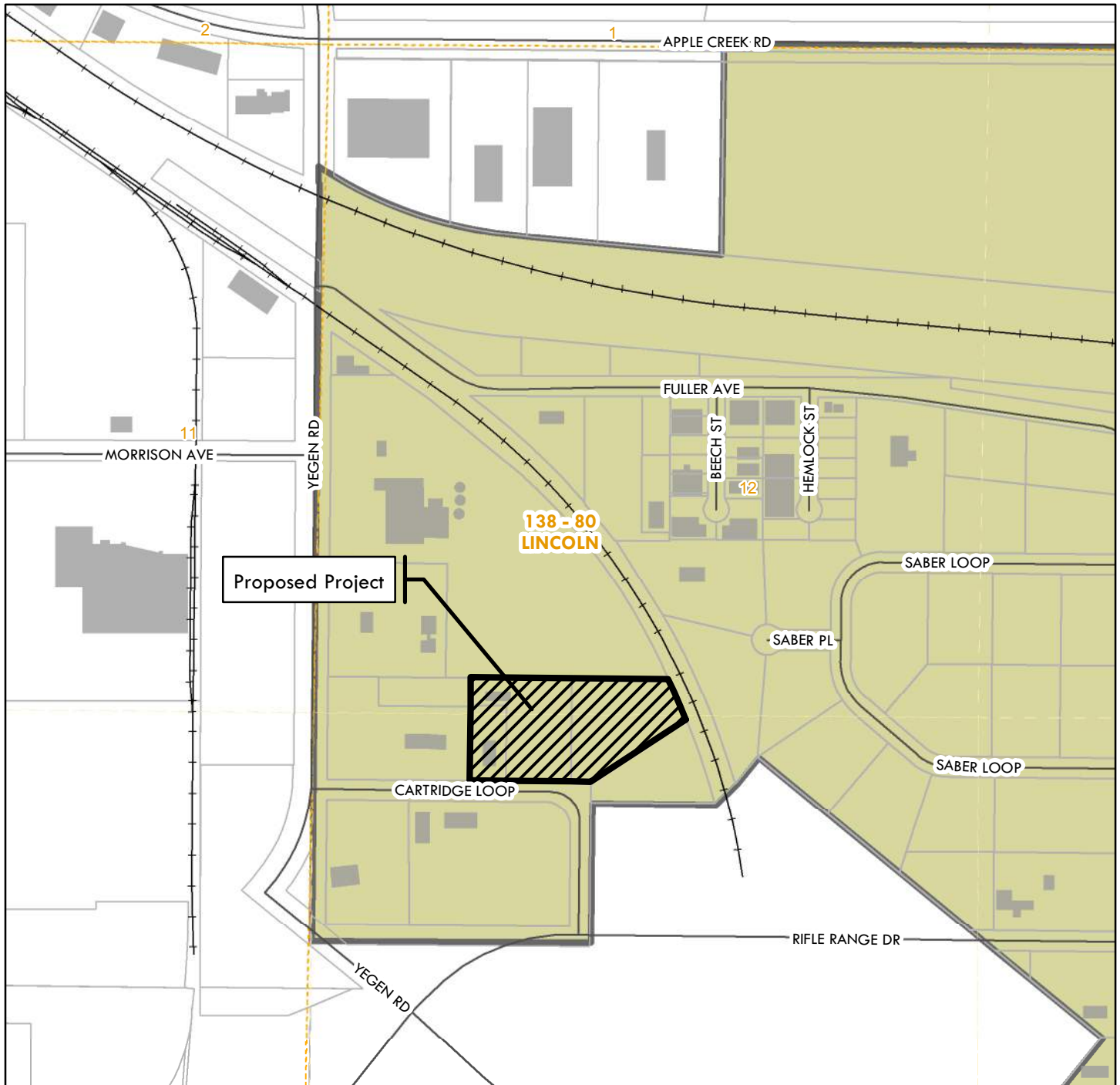
1. Location Map
2. Zoning and Plan Reference Map

Staff report prepared by: Jenny Wollmuth, AICP, CFM
701-355-1845 | jwollmuth@bismarcknd.gov



Proposed Zoning Change (MA to MB)
Lots 4 and 5, Block 1, Duemeland's Third Subdivision

Trakit Project ZC2017-021
Location Map



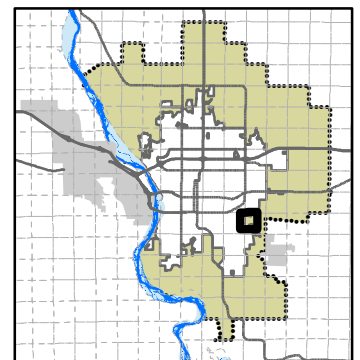
 City Limits  Bismarck ETA Jurisdiction

*Section, township, and
range indicated in orange*



City of Bismarck
Community Development Department
Planning Division
November 7, 2017 (HLB)

*This map is for representational use only and does
not represent a survey. No liability is assumed as
to the accuracy of the data delineated hereon.*





Proposed Zoning Change (MA and MB to MB)

Lots 4 and 5, Block 3, Duemelands Third Subdivision

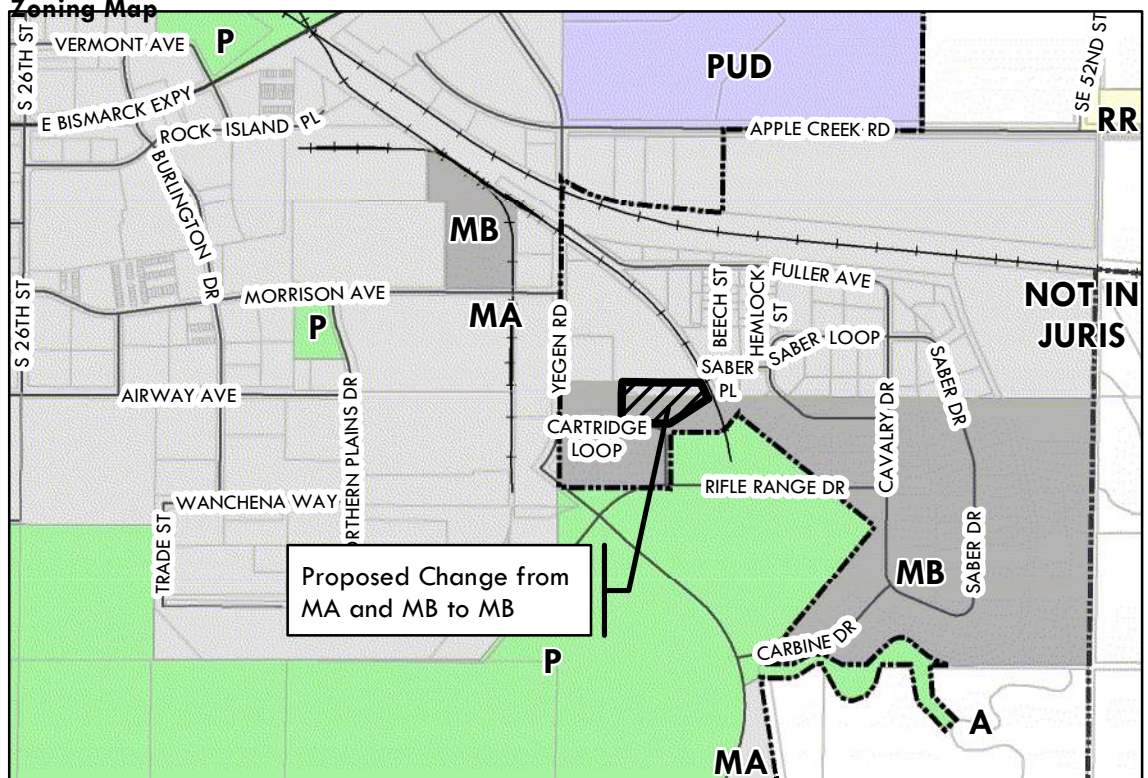
Zoning and Plan
Reference Map

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

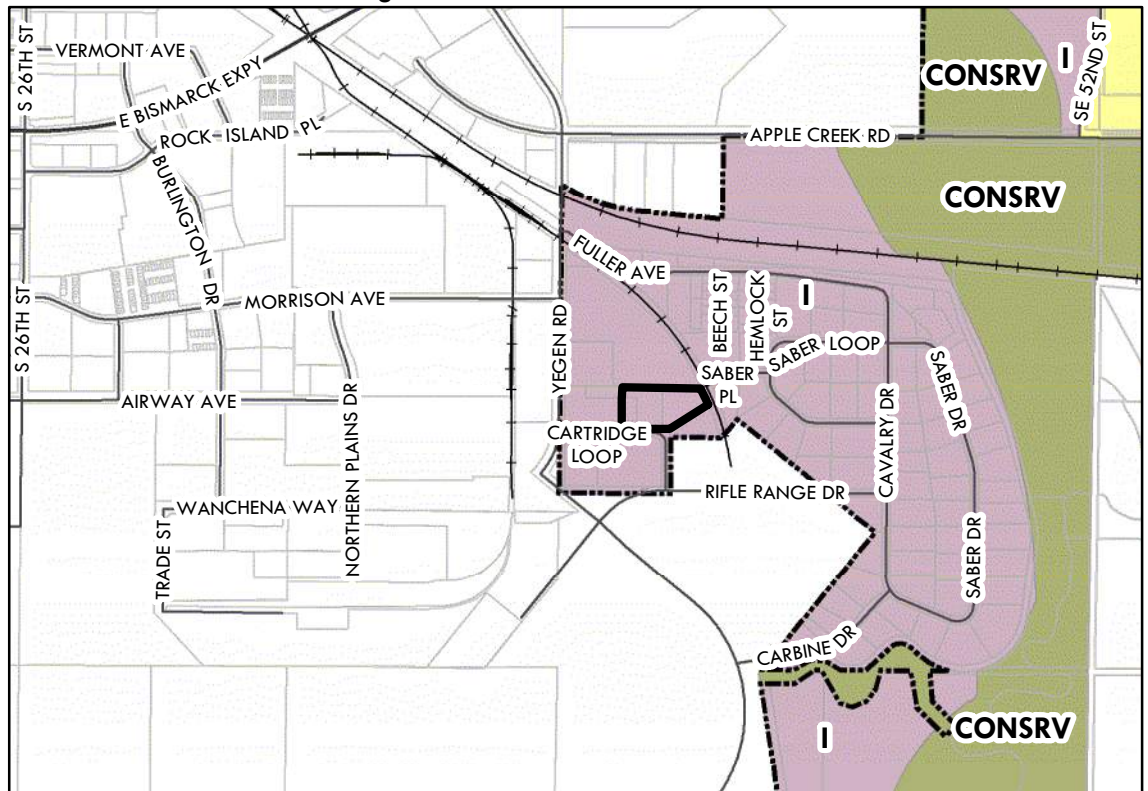
Zoning Map



Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Future Land Use Plan and Fringe Area Road Master Plan



Fringe Area Road Master Plan

- ● ● Planned Arterial
- ● ● Planned Collector

0 0.275 0.55 1.1 Miles

City Limits

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development Dept.
Planning Division
November 8, 2017



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 11

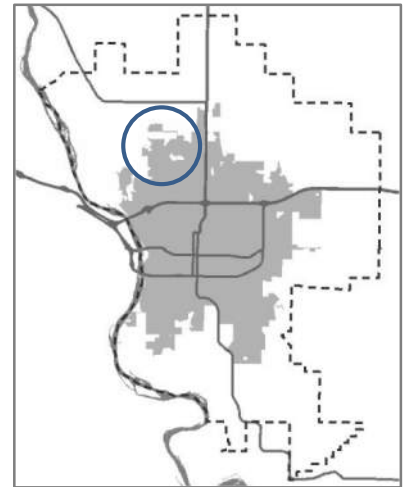
December 20, 2017

Application for: Zoning Change

TRAKiT Project ID: ZC2017-022

Project Summary

Title:	Part of N½ of Section 17, Hay Creek Township
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	William E. Clairmont Revocable Living Trust – Aud. Lots G & H Mapleton Investors, LLP – unplatted tract
Project Contact:	Lon Romsaas, PE, Swenson Hagen & Co.
Location:	In northwest Bismarck, along the west side of North Washington Street and the south side of 57 th Avenue NW (Auditor's Lots G in the NW¼ of Section 17, Auditor's Lot H in the NE¼ of Section 17, and an unplatted tract in the NW¼ of Section 17, T139N-R80W/ Hay Creek Township).
Project Size:	160 acres
Request:	Rezone property to establish zoning prior to platting and future development.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	3 unplatted tracts	Number of Lots:	3 unplatted tracts
Land Use:	Undeveloped	Land Use:	Mixed density residential, office and neighborhood commercial
Designated GMP	Low Density Residential	Designated GMP	Low Density Residential
Future Land Use:	Medium Density Residential Office/Mixed Use	Future Land Use:	Medium Density Residential Office/Mixed Use
Zoning:	A – Agricultural	Zoning:	R5 – Residential R10 – Residential RM10 – Residential RM15 – Residential RT – Residential Conditional RT – Residential Conditional CA – Commercial

Existing Conditions		Proposed Conditions	
<i>Uses Allowed:</i>	A – Agriculture	<i>Uses Allowed:</i>	R5 – Single-family residential R10 – Single and two-family residential RM10 – Multi-family residential RM15 – Multi-family residential RT – Offices and multi-family residential Conditional RT – Offices and multi-family residential Conditional CA – Neighborhood commercial
<i>Max Density Allowed:</i>	A – 1 unit / 40 acres	<i>Max Density Allowed:</i>	R5 – 5 units / acre R10 – 10 units / acre RM10 – 10 units / acre RM15 – 15 units / acre RT – 30 units / acre Conditional RT – 30 units / acre Conditional CA – 30 units / acre

Property History

<i>Zoned:</i>	N/A	<i>Platted:</i>	N/A	<i>Annexed:</i>	N/A
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Staff Analysis

William E. Clairmont Revocable Living Trust and Mapleton Investors, LLP are requesting approval of a zoning change to establish the zoning of the property prior to platting and future development. The City is currently working with the applicants on the acquisition of property in this area for stormwater management facilities.

Adjacent land uses include a mix of single-family, multi-family and undeveloped RT-Residential zoned property to the south; undeveloped property and an elementary school to the east across North Washington Street; rural residential, single-family residential, a park and a utility substation to the north across 57th Avenue NW; and undeveloped land to the west.

The proposed zoning would be consistent with the Future Land Use Plan, which identifies this area Low Density Residential with 1 to 4 units per acre; Medium Density Residential with 4 to 10 units per acre, and Office/Mixed Use.

The proposed RM15 – Residential zoning district is problematic in that it is immediately adjacent to an existing developed R5 – Residential zoning district. Although a buffer yard would be required between any higher intensity land use and the existing single-family development, transitional zoning between the two districts would be preferred. For this reason, staff is recommending that a Conditional R10 – Residential zoning district be included over the area within 100 feet of the southern edge of the proposed RM15 – Residential zoning district. Only two-family dwellings would be allowed within this Conditional R10 zoning district in order to provide an appropriate land use transition. In addition, staff is recommending that the proposed RM15 – Residential zoning district be changed to a Conditional RM10 – Residential zoning district with a height limit of forty (40) feet or three (3) stories.

The areas in discussions to be acquired by the City are not included in the action.

(continued)

Required Findings of Fact (relating to land use)

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning, provided transitional zoning is included between the proposed RM15 zoning district and the existing Horizon Heights development and the proposed RM15 zoning district is reduced in density to an RM10 zoning district with a height limitation similar to the adjacent zoning districts;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The Hay Creek Township Board of Supervisors has not yet made a recommendation on the proposed zoning change;
5. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
6. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
7. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
8. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
9. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning change from the A – Agricultural zoning district to the R5 – Residential zoning district on the property identified as Parcel 1 on the attached exhibit, to the R10 – Residential zoning district on the property identified as Parcel 2, to the Conditional RM10 – Residential zoning district for the property identified as Parcel 3 except for the area within 100 feet of the southern edge of this parcel, to the Conditional R10 – Residential for the area within 100 feet of the southern edge of Parcel 3, to the R5 – Residential zoning district on the property identified as Parcel 4, to the Conditional RT – Residential zoning district for the property identified as Parcel 5, to the Conditional CA – Commercial zoning district for the property identified as Parcel 6, to the RT – Residential zoning district for the property identified as Parcel 7, to the RM10 – Residential zoning district for the property identified as Parcel 8, , and to the R10 – Residential zoning district for the property identified as Parcel 9 in the N½ of Section 17, T139N-R80W/Hay Creek Township, as outlined in the attached draft zoning ordinance and with the understanding that the property will need to be platted and annexed prior to development.

Attachments

1. Location Map
2. Zoning and Plan Reference Map
3. Proposed Zoning Change Detail
4. Recommended Zoning Change Detail
5. Draft Zoning Ordinance
6. Zoning Exhibit with Parcels 1-9

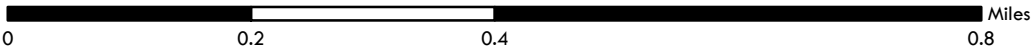
Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov



Proposed Zoning Change (A to R5, R10, RM10, RM15, RT, Conditional RT and Conditional CA)

Part of the N 1/2 of Section 17, T139N-R80W/Hay Creek Township

Trakit Project ZC2017-022
Location Map



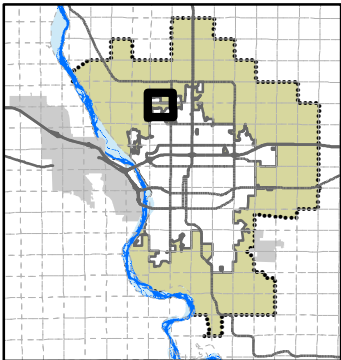
City Limits Bismarck ETA Jurisdiction

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
November 8, 2017 (HLB)

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Proposed Zoning Change (A to R5, R10, RM10, RM15, RT, Conditional RT and Conditional CA)

Part of the N 1/2 of Section 17, T139N-R80W/Hay Creek Township

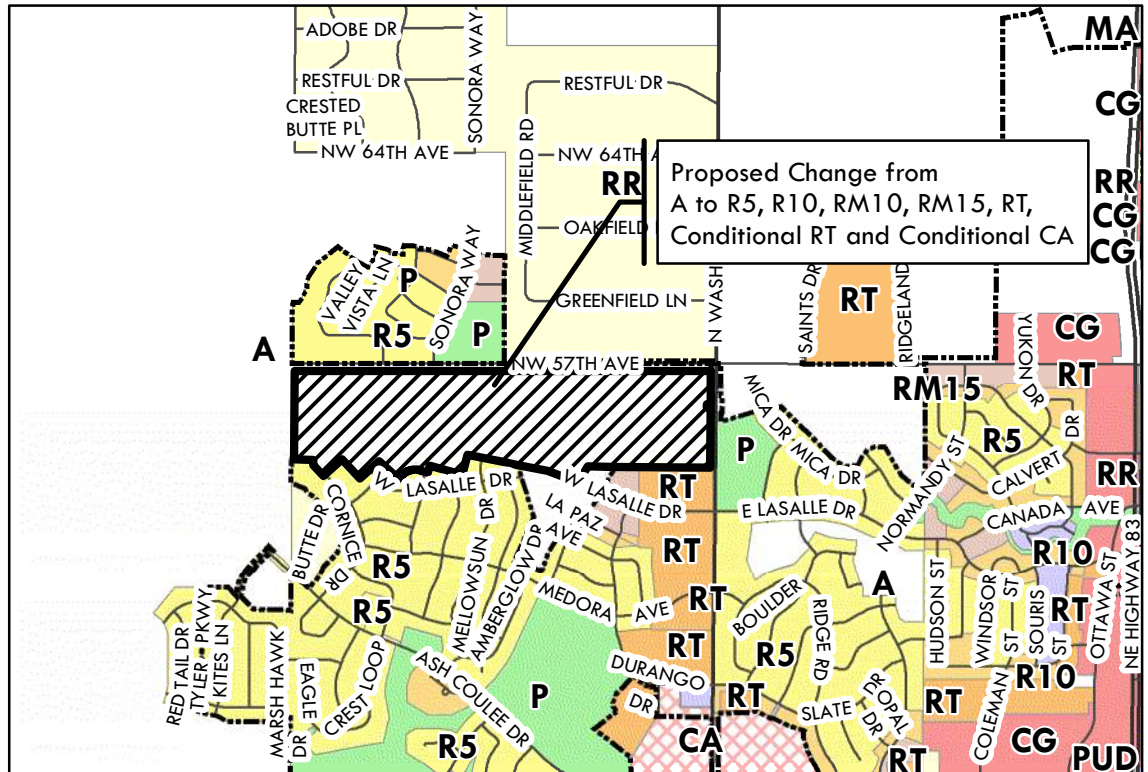
Zoning and Plan Reference Map

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

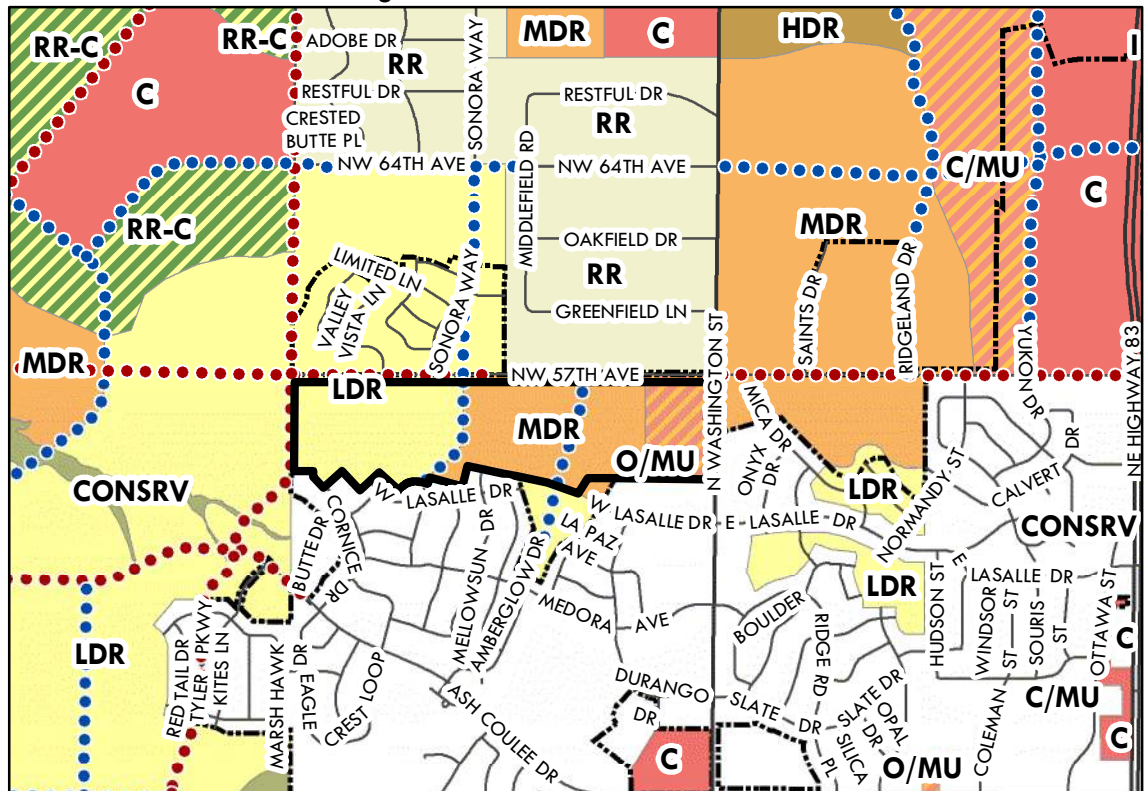
Zoning Map



Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Future Land Use Plan and Fringe Area Road Master Plan



Fringe Area Road Master Plan

- Planned Arterial
- Planned Collector

0 0.375 0.75 1.5 Miles

City Limits

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City of Bismarck
Community Development Dept.
Planning Division
November 8, 2017



Proposed Zoning Change (A to R5, R10, RM10, RM15, RT, Conditional RT and Conditional CA)

Part of the N 1/2 of Section 17, T139N-R80W/Hay Creek Township

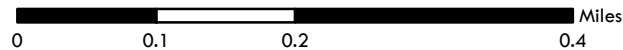
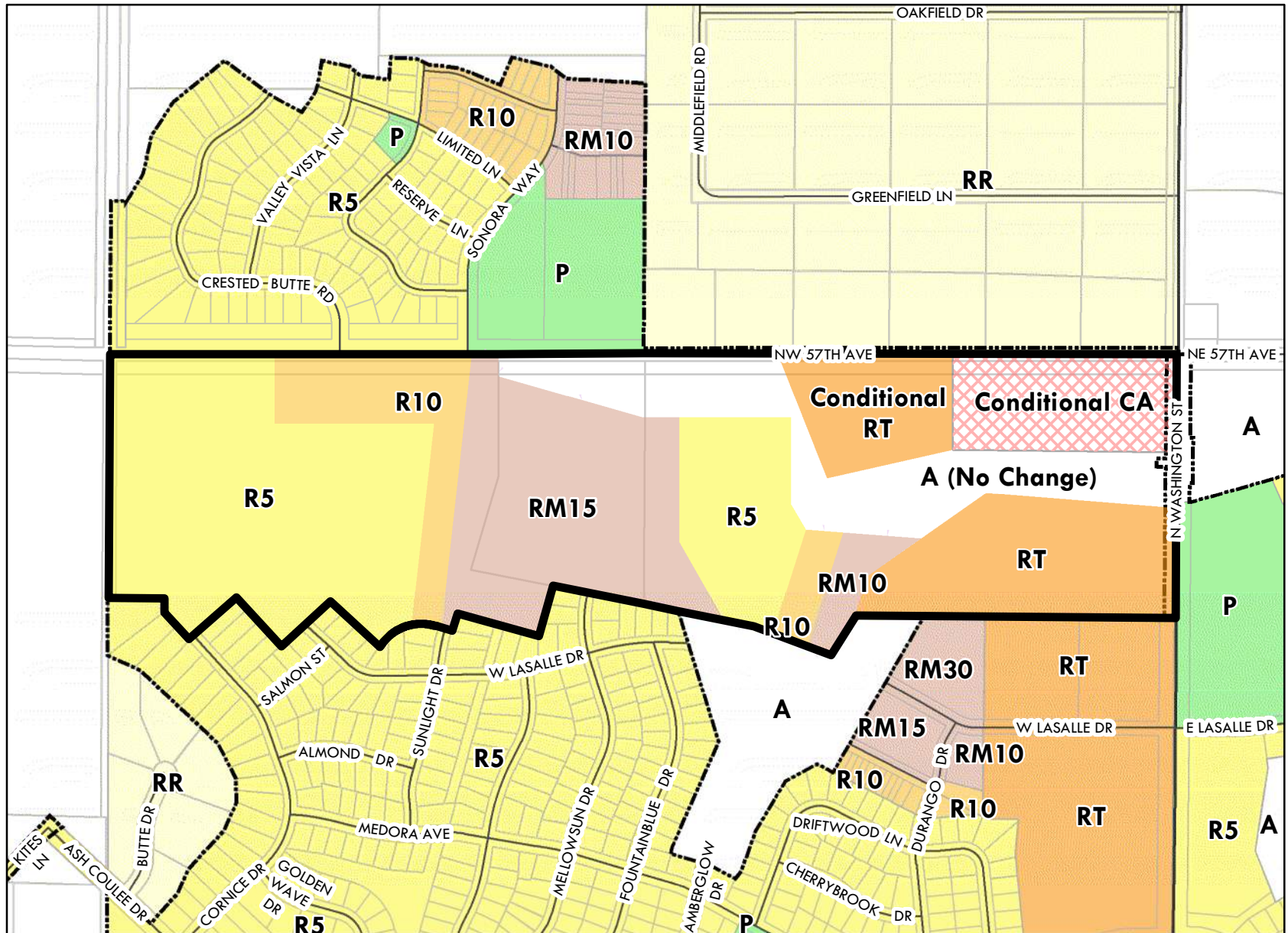
Proposed
Zoning Map

Proposed New Zoning Map



Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe



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City of Bismarck
Community Development Dept.
Planning Division
December 7, 2017



Recommended Zoning Change (A to R5, R10, Cond. R10, RM10, Cond. RM10, RT, Cond. RT and Cond. CA)

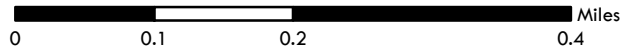
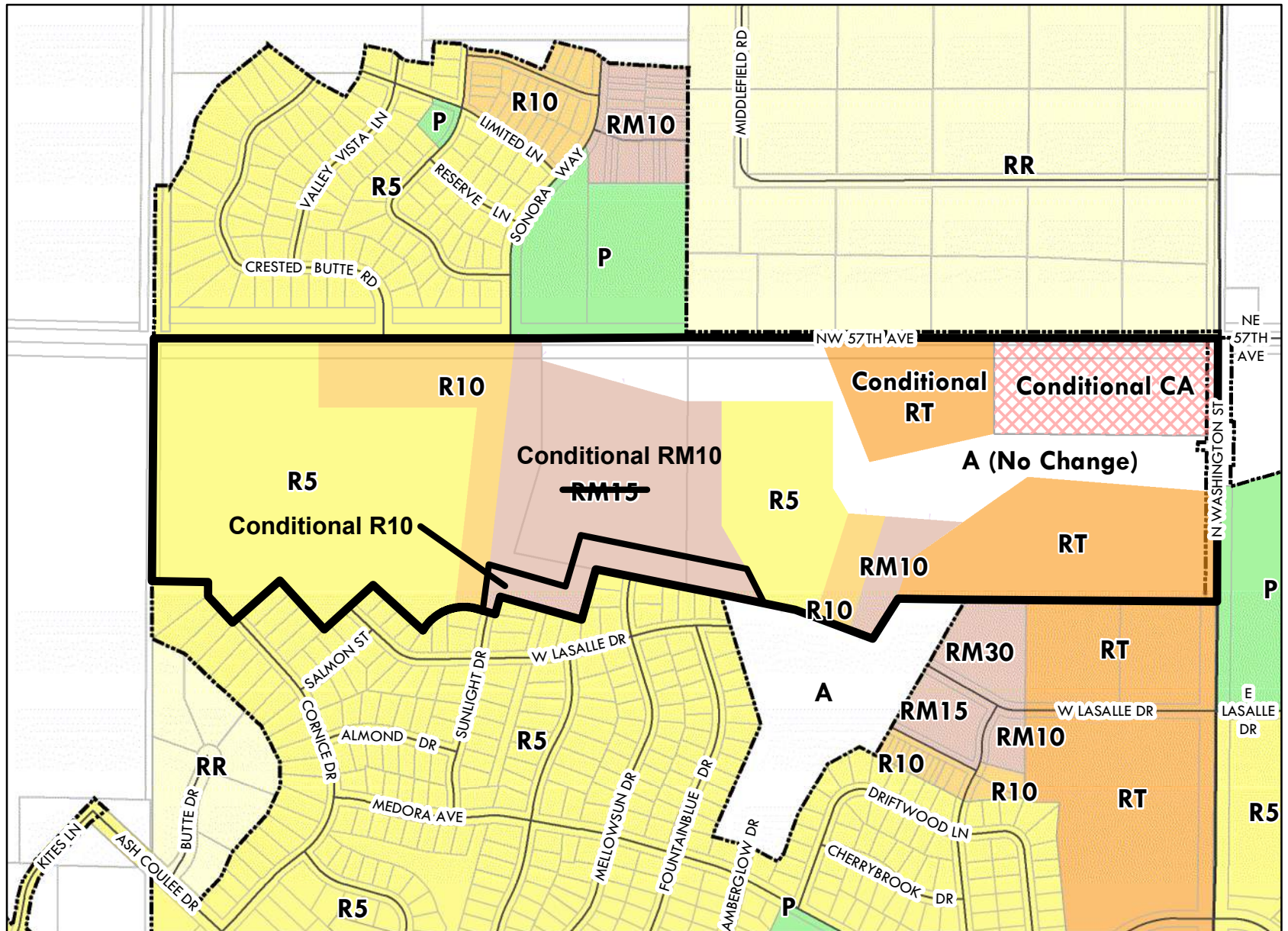
Part of the N 1/2 of Section 17, T139N-R80W/Hay Creek Township

Recommended Zoning Map



Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe



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ORDINANCE NO. XXXX

<i>Introduced by</i>	_____
<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 1986 CODE OF ORDINANCES, OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the A – Agricultural zoning district and included in the R5 – Residential zoning district:

(Parcel 1)

ALL THAT PART OF AUDITOR'S LOT G OF THE NW 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NW CORNER OF SAID AUDITOR'S LOT G; THENCE SOUTH 89 DEGREES 56 MINUTES 54 SECONDS EAST, ALONG THE NORTHERN BOUNDARY OF SAID AUDITOR'S LOT G, A DISTANCE OF 818.84 FEET; THENCE SOUTH 00 DEGREES 03 MINUTES 06 SECONDS WEST, PERPENDICULAR TO SAID NORTHERN BOUNDARY, A DISTANCE OF 345.34 FEET; THENCE SOUTH 89 DEGREES 56 MINUTES 54 SECONDS EAST, PARALLEL WITH SAID NORTHERN BOUNDARY, A DISTANCE OF 790.69 FEET; THENCE SOUTH 06 DEGREES 23 MINUTES 56 SECONDS WEST, A DISTANCE OF 1007.38 FEET TO THE SOUTHERN BOUNDARY OF SAID AUDITOR'S LOT G; THENCE SOUTHWESTERLY AND TO THE LEFT, ALONG SAID SOUTHERN BOUNDARY, ON A 238.73 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 13 DEGREES 01 MINUTE 54 SECONDS EAST, AN ARC LENGTH OF 143.48 FEET; THENCE SOUTH 42 DEGREES 32 MINUTES 04 SECONDS WEST, CONTINUING ALONG SAID SOUTHERN BOUNDARY, A DISTANCE OF 50.82 FEET; THENCE NORTH 47 DEGREES 27 MINUTES 56 SECONDS WEST, CONTINUING ALONG SAID SOUTHERN BOUNDARY, A DISTANCE OF 335.00 FEET; THENCE SOUTH 47 DEGREES 32 MINUTES 04 SECONDS WEST, CONTINUING ALONG SAID SOUTHERN BOUNDARY, A DISTANCE OF 330.00 FEET; THENCE NORTH 42 DEGREES 27 MINUTES 09 SECONDS WEST, CONTINUING ALONG SAID SOUTHERN

BOUNDARY, A DISTANCE OF 329.99 FEET; THENCE SOUTH 48 DEGREES 32 MINUTES 16 SECONDS WEST, CONTINUING ALONG SAID SOUTHERN BOUNDARY, A DISTANCE OF 314.95 FEET; THENCE NORTH 42 DEGREES 27 MINUTES 52 SECONDS WEST, CONTINUING ALONG SAID SOUTHERN BOUNDARY, A DISTANCE OF 180.00 FEET; THENCE NORTH 00 DEGREES 15 MINUTES 35 SECONDS EAST, CONTINUING ALONG SAID SOUTHERN BOUNDARY, A DISTANCE OF 70.10 FEET; THENCE NORTH 89 DEGREES 27 MINUTES 34 SECONDS WEST, CONTINUING ALONG SAID SOUTHERN BOUNDARY, A DISTANCE OF 275.77 FEET TO THE WESTERN BOUNDARY OF SAID AUDITOR'S LOT G; THENCE NORTH 00 DEGREES 15 MINUTES 35 SECONDS EAST, ALONG SAID WESTERN BOUNDARY, A DISTANCE OF 1212.43 FEET TO THE POINT OF BEGINNING.

Section 2. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the A – Agricultural zoning district and included in the R10 – Residential zoning district:

(Parcel 2)

ALL THAT PART OF AUDITOR'S LOT G OF THE NW 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SAID AUDITOR'S LOT G; THENCE SOUTH 89 DEGREES 56 MINUTES 54 SECONDS EAST, ALONG THE NORTHERN BOUNDARY OF SAID AUDITOR'S LOT G, A DISTANCE OF 818.84 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 03 MINUTES 06 SECONDS WEST, PERPENDICULAR TO SAID NORTHERN BOUNDARY, A DISTANCE OF 345.34 FEET; THENCE SOUTH 89 DEGREES 56 MINUTES 54 SECONDS EAST, PARALLEL TO SAID NORTHERN BOUNDARY, A DISTANCE OF 790.69 FEET; THENCE SOUTH 06 DEGREES 23 MINUTES 56 SECONDS WEST, A DISTANCE OF 1007.38 FEET TO THE SOUTHERN BOUNDARY OF SAID AUDITOR'S LOT G; THENCE NORTHEASTERLY AND TO THE RIGHT, ALONG SAID SOUTHERN BOUNDARY, ON A 238.73 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 13 DEGREES 01 MINUTE 54 SECONDS EAST, AN ARC LENGTH OF 123.24 FEET; THENCE SOUTH 73 DEGREES 22 MINUTES 13 SECONDS EAST, CONTINUING ALONG SAID SOUTHERN BOUNDARY, A DISTANCE OF 27.67 FEET; THENCE NORTH 06 DEGREES 23 MINUTES 56 SECONDS EAST, A DISTANCE OF 1366.45 FEET TO THE NORTHERN BOUNDARY OF SAID AUDITOR'S LOT G; THENCE NORTH 89 DEGREES 56 MINUTES 54 SECONDS WEST, ALONG SAID NORTHERN BOUNDARY, A DISTANCE OF 978.73 FEET TO THE POINT OF BEGINNING.

Section 3. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the A – Agricultural zoning district and included in the Conditional RM10 – Residential zoning district:

(Parcel 3 less southern 100 feet)

ALL THAT PART OF AUDITOR'S LOTS G & H, AND PART OF UNPLATTED PORTIONS OF THE N 1/2 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SAID AUDITOR'S LOT G; THENCE SOUTH 89 DEGREES 56 MINUTES 54 SECONDS EAST, ALONG THE NORTHERN BOUNDARY OF SAID AUDITOR'S LOT G, A DISTANCE OF 1797.57 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 56 MINUTES 54 SECONDS EAST, ALONG SAID NORTHERN BOUNDARY, A DISTANCE OF 134.58 FEET; THENCE SOUTH 00 DEGREES 05 MINUTES 31 SECONDS WEST, A DISTANCE OF 109.75 FEET; THENCE SOUTH 74 DEGREES 07 MINUTES 23 SECONDS EAST, A DISTANCE OF 745.50 FEET TO THE WEST BOUNDARY OF SAID AUDITOR'S LOT H; THENCE SOUTH 89 DEGREES 59 MINUTES 08 SECONDS EAST, A DISTANCE OF 179.26 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 52 SECONDS WEST, A DISTANCE OF 620.03 FEET; THENCE SOUTH 29 DEGREES 56 MINUTES 09 SECONDS EAST, A DISTANCE OF 451.46 FEET TO THE SOUTHEASTERLY EXTENSION OF THE NORTHERN BOUNDARY LINE OF HORIZON HEIGHTS 3RD ADDITION; THENCE NORTH 78 DEGREES 27 MINUTES 02 SECONDS WEST, ALONG SAID SOUTHEASTERLY EXTENSION AND SAID NORTHERN BOUNDARY, A DISTANCE OF 869.51 FEET TO THE NORTHWESTERLY BOUNDARY OF HORIZON HEIGHTS 3RD ADDITION; THENCE SOUTH 15 DEGREES 35 MINUTES 41 SECONDS EAST, ALONG SAID NORTHWESTERLY BOUNDARY AND THE NORTHERN BOUNDARY OF HORIZON HEIGHTS 5TH ADDITION, A DISTANCE OF 259.88 FEET; THENCE NORTH 74 DEGREES 24 MINUTES 19 SECONDS WEST, ALONG SAID NORTHERN BOUNDARY, A DISTANCE OF 420.52 FEET; THENCE SOUTH 16 DEGREES 32 MINUTES 17 SECONDS EAST, CONTINUING ALONG SAID NORTHERN BOUNDARY, A DISTANCE OF 90.00 FEET; THENCE NORTH 73 DEGREES 22 MINUTES 13 SECONDS WEST, CONTINUING ALONG SAID NORTHERN BOUNDARY, A DISTANCE OF 58.15 FEET; THENCE NORTH 06 DEGREES 23 MINUTES 56 SECONDS EAST, A DISTANCE OF 1366.45 FEET TO THE POINT OF BEGINNING.

(Above description less the area within 100 feet of the southern boundary of said description)

This Conditional RM10-Residential zoning district is subject to the following standards:

1. *Uses Permitted.* The following uses are permitted:
 - a. Multifamily dwelling.
 - b. Group dwelling.
 - c. Education group.
 - d. Public recreation group.

- e. Row houses. Attached single-family dwelling in groups of not more than eight (8) or less than three (3) dwelling units in one building, or in groups of not more than eight (8) or less than two (2) dwelling units when constructed as part of an overall row house development with at least three (3) buildings.
- f. ~~Health medical group. Only within area bounded by Fourth and Tenth Streets and Avenue A and Boulevard Avenue.~~
- g. ~~Single family and two family dwelling only within the following described area:~~
- h. Townhouses. Attached single-family dwelling in groups of not more than ~~ten (10)~~ eight (8) or less than four (4).

The following special uses are permitted as per Section 14-03-08 hereof:

- a. Child care center.
- b. Religious institution.
- c. ~~Accessory dwelling unit to a single family home.~~

2. *Development standards.*

- a. No principal building shall exceed forty (40) feet or three (3) stories in height..
- b. All other development standards shall be as outlined in Section 14-04-07, RM – Residential District, of the City Code of Ordinances.

Section 4. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the A – Agricultural zoning district and included in the Conditional RM10 – Residential zoning district:

(Southern 100 feet of Parcel 3)

ALL THAT PART OF AUDITOR'S LOTS G & H, AND PART OF UNPLATTED PORTIONS OF THE N 1/2 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SAID AUDITOR'S LOT G; THENCE SOUTH 89 DEGREES 56 MINUTES 54 SECONDS EAST, ALONG THE NORTHERN BOUNDARY OF SAID AUDITOR'S LOT G, A DISTANCE OF 1797.57 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 56 MINUTES 54 SECONDS EAST, ALONG SAID NORTHERN BOUNDARY, A DISTANCE OF 134.58 FEET; THENCE SOUTH 00 DEGREES 05 MINUTES 31 SECONDS WEST, A DISTANCE OF 109.75 FEET; THENCE SOUTH 74 DEGREES 07 MINUTES 23 SECONDS EAST, A DISTANCE OF 745.50 FEET TO THE WEST BOUNDARY OF SAID AUDITOR'S LOT H; THENCE SOUTH 89 DEGREES 59 MINUTES 08 SECONDS EAST, A DISTANCE OF 179.26 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 52 SECONDS WEST, A DISTANCE OF 620.03 FEET; THENCE

SOUTH 29 DEGREES 56 MINUTES 09 SECONDS EAST, A DISTANCE OF 451.46 FEET TO THE SOUTHEASTERLY EXTENSION OF THE NORTHERN BOUNDARY LINE OF HORIZON HEIGHTS 3RD ADDITION; THENCE NORTH 78 DEGREES 27 MINUTES 02 SECONDS WEST, ALONG SAID SOUTHEASTERLY EXTENSION AND SAID NORTHERN BOUNDARY, A DISTANCE OF 869.51 FEET TO THE NORTHWESTERLY BOUNDARY OF HORIZON HEIGHTS 3RD ADDITION; THENCE SOUTH 15 DEGREES 35 MINUTES 41 SECONDS EAST, ALONG SAID NORTHWESTERLY BOUNDARY AND THE NORTHERN BOUNDARY OF HORIZON HEIGHTS 5TH ADDITION, A DISTANCE OF 259.88 FEET; THENCE NORTH 74 DEGREES 24 MINUTES 19 SECONDS WEST, ALONG SAID NORTHERN BOUNDARY, A DISTANCE OF 420.52 FEET; THENCE SOUTH 16 DEGREES 32 MINUTES 17 SECONDS EAST, CONTINUING ALONG SAID NORTHERN BOUNDARY, A DISTANCE OF 90.00 FEET; THENCE NORTH 73 DEGREES 22 MINUTES 13 SECONDS WEST, CONTINUING ALONG SAID NORTHERN BOUNDARY, A DISTANCE OF 58.15 FEET; THENCE NORTH 06 DEGREES 23 MINUTES 56 SECONDS EAST, A DISTANCE OF 1366.45 FEET TO THE POINT OF BEGINNING.

(Only the area within 100 feet of the southern boundary of said description)

This Conditional R10-Residential zoning district is subject to the following standards:

1. *Uses Permitted.* The following uses are permitted:
 - a. ~~Single family dwelling.~~
 - b. Two family dwelling.
 - c. Education group.
 - d. Public recreation group.
 - e. Row house. Attached single-family dwelling in groups of two (2).
 - f. Family foster home for adults.
 - g. ~~Family child care, when located in a detached single family dwelling.~~

The following special uses are permitted as per Section 14-03-08 hereof:

- a. Child care center.
 - b. Religious institution.
 - c. ~~Accessory dwelling unit.~~
2. *Development standards.*
 - a. All other development standards shall be as outlined in Section 14-04-06, R10 – Residential District, of the City Code of Ordinances.

Section 5. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the A – Agricultural zoning district and included in the R5 – Residential zoning district:

(Parcel 4)

ALL THAT PART OF AUDITOR'S LOT H, OF THE NE 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SAID AUDITOR'S LOT H; THENCE NORTH 89 DEGREES 59 MINUTES 33 SECONDS EAST, ALONG THE NORTHERN BOUNDARY OF SAID AUDITOR'S LOT H, A DISTANCE OF 177.00 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 52 SECONDS WEST, A DISTANCE OF 313.11 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 00 MINUTES 52 SECONDS WEST, A DISTANCE OF 620.03 FEET; THENCE SOUTH 29 DEGREES 56 MINUTES 09 SECONDS EAST, A DISTANCE OF 451.45 FEET TO THE SOUTHERN BOUNDARY OF SAID AUDITOR'S LOT H; THENCE SOUTH 78 DEGREES 27 MINUTES 02 SECONDS EAST, ALONG SAID SOUTHERN BOUNDARY, A DISTANCE OF 139.51 FEET; THENCE SOUTH 69 DEGREES 31 MINUTES 35 SECONDS EAST, CONTINUING ALONG SAID SOUTHERN BOUNDARY, A DISTANCE OF 108.70 FEET; THENCE NORTH 17 DEGREES 39 MINUTES 42 SECONDS EAST, A DISTANCE OF 545.92 FEET; THENCE NORTH 31 DEGREES 07 MINUTES 01 SECOND WEST, A DISTANCE OF 144.23 FEET; THENCE NORTH 00 DEGREES 03 MINUTES 06 SECONDS EAST, A DISTANCE OF 433.41 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 08 SECONDS WEST, A DISTANCE OF 555.14 FEET TO THE POINT OF BEGINNING.

Section 6. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the A – Agricultural zoning district and included in the Conditional RT – Residential zoning district:

(Parcel 5)

ALL THAT PART OF AUDITOR'S LOT H OF THE NE 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NE CORNER OF AUDITOR'S LOT H; THENCE SOUTH 89 DEGREES 59 MINUTES 33 SECONDS WEST, ALONG THE NORTHERN BOUNDARY OF SAID AUDITOR'S LOT H, A DISTANCE OF 1116.73 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 59 MINUTES 33 SECONDS WEST, CONTINUING ALONG SAID NORTHERN BOUNDARY, A DISTANCE OF 867.40 FEET; THENCE SOUTH 21 DEGREES 39 MINUTES 51 SECONDS EAST, A DISTANCE OF 661.81 FEET; THENCE NORTH 77 DEGREES 15 MINUTES 06 SECONDS EAST, A DISTANCE OF 638.89 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 27 SECONDS WEST, A DISTANCE OF 474.06 FEET TO THE POINT OF BEGINNING..

This Conditional RT-Residential zoning district is subject to the following standards:

1. *Uses Permitted.* The following uses are permitted:

- a. ~~A single or two family living unit when used in conjunction with a commercial use.~~
- b. Multi-family dwelling.
- c. Group dwelling.
- d. Education group.
- e. Health and medical group.
- f. Public recreation group.
- g. Office-bank group.
- h. Row houses.
- i. Beauty shop, barber shop.
- j. Group day-care.
- k. Ancillary retail sales of material products directly related to the primary business such as hair care products being sold at a beauty shop or barber shop. Such product display areas shall not occupy more than 25% (twenty-five percent) of the gross floor area of the primary business.

The following uses are allowed as special uses pursuant to Section 14-03-08 hereof:

- a. Religious institution.
- b. Child care center.
- c. ~~Mortuary/funeral homes.~~

2. *Development standards.*

- b. No principal building shall exceed forty (40) feet or three (3) stories in height.
- c. No principal one-story building shall have a footprint greater than fifty thousand (50,000) square feet; no principal two-story building shall have a footprint greater than thirty thousand (30,000) square feet; and no principal building with three or more stories shall have a footprint greater than twenty thousand (20,000) square feet.
- d. All exterior lighting shall be designed and installed in a manner intended to limit the amount of off-site impacts to the adjacent residential uses to the west.
- e. Any illuminated signs shall be designed and installed in a manner intended to limit the amount of off-site impacts to the adjacent residential uses.
- f. All other development standards shall be as outlined in Section 14-04-08, RT – Residential District, of the City Code of Ordinances.

Section 7. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the A – Agricultural district and included within the Conditional CA – Commercial district:

(Parcel 6)

ALL THAT PART OF AUDITOR'S LOT H OF THE NE 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NE CORNER OF SAID AUDITOR'S LOT H; THENCE SOUTH 00 DEGREES 32 MINUTES 35 SECONDS WEST, ALONG THE EASTERN BOUNDARY OF SAID AUDITOR'S LOT H, A DISTANCE OF 484.76 FEET; THENCE NORTH 89 DEGREES 27 MINUTES 25 SECONDS WEST, A DISTANCE OF 1112.12 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 27 SECONDS WEST, A DISTANCE OF 474.06 FEET TO THE NORTHERN BOUNDARY OF SAID AUDITOR'S LOT H; THENCE NORTH 89 DEGREES 59 MINUTES 33 SECONDS EAST, ALONG SAID NORTHERN BOUNDARY, A DISTANCE OF 1116.73 FEET TO THE POINT OF BEGINNING.

This Conditional CA-Commercial zoning district is subject to the following development standards:

1. *Uses Permitted.* The following uses are permitted:

- a. ~~A single or two family dwelling when used in conjunction with a commercial use.~~
- b. Multifamily dwelling.
- c. Group dwelling.
- d. Row houses/townhouses (subject to RM residential zone regulations).
- e. Retail group A.
- f. Service group A.
- g. Office-bank group.
- h. Health-medical group.
- i. Public recreation group.
- j. Education group.
- k. Religious institution.

The following uses are allowed as special uses pursuant to Section 14-03-08 hereof:

- a. Temporary Christmas tree sales.
- b. Temporary farm and garden produce sales.
- c. Filling station.
- d. Seasonal nursery and bedding stock sales.

- e. Child care center.
- f. Drive-in bank.
- g. Retail liquor sales.

2. *Development standards.*

- a. No principal building shall exceed forty (40) feet or three (3) stories in height.
- b. No principal one-story building shall have a footprint greater than fifty thousand (50,000) square feet; no principal two-story building shall have a footprint greater than thirty thousand (30,000) square feet; and no principal building with three or more stories shall have a footprint greater than twenty thousand (20,000) square feet.
- c. All exterior lighting shall be designed and installed in a manner intended to limit the amount of off-site impacts to the adjacent residential uses to the west.
- d. Any illuminated signs shall be designed and installed in a manner intended to limit the amount of off-site impacts to the adjacent residential uses.
- e. All other development standards shall be as outlined in Section 14-04-10, CA – Commercial District, of the City Code of Ordinances.

Section 8. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the A – Agricultural zoning district and included in the RT – Residential zoning district:

(Parcel 7)

ALL THAT PART OF AUDITOR'S LOT H OF THE NE 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SE CORNER OF SAID AUDITOR'S LOT H; THENCE NORTH 89 DEGREES 27 MINUTES 25 SECONDS WEST, ALONG THE SOUTHERN BOUNDARY OF SAID AUDITOR'S LOT H, A DISTANCE OF 1590.00 FEET; THENCE NORTH 17 DEGREES 05 MINUTES 10 SECONDS EAST, A DISTANCE OF 202.84 FEET; THENCE NORTH 54 DEGREES 52 MINUTES 57 SECONDS EAST, A DISTANCE OF 723.44 FEET; THENCE SOUTH 85 DEGREES 26 MINUTES 19 SECONDS EAST, A DISTANCE OF 946.79 FEET TO THE EASTERN BOUNDARY OF SAID AUDITOR'S LOT H; THENCE SOUTH 00 DEGREES 32 MINUTES 35 SECONDS WEST, ALONG SAID EASTERN BOUNDARY, A DISTANCE OF 549.85 FEET TO THE POINT OF BEGINNING.

Section 9. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the A – Agricultural zoning district and included in the RM10 – Residential zoning district:

(Parcel 8)

ALL THAT PART OF AUDITOR'S LOT H, OF THE NE 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SE CORNER OF SAID AUDITOR'S LOT H; THENCE NORTH 89 DEGREES 27 MINUTES 25 SECONDS WEST, ALONG THE SOUTHERN BOUNDARY OF SAID AUDITOR'S LOT H, A DISTANCE OF 1590.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 17 DEGREES 05 MINUTES 10 SECONDS EAST, A DISTANCE OF 202.84 FEET; THENCE NORTH 54 DEGREES 52 MINUTES 57 SECONDS EAST, A DISTANCE OF 329.18 FEET; THENCE NORTH 85 DEGREES 34 MINUTES 50 SECONDS WEST, A DISTANCE OF 387.26 FEET; THENCE SOUTH 17 DEGREES 39 MINUTES 42 SECONDS WEST, A DISTANCE OF 597.37 FEET TO THE SOUTHERN BOUNDARY OF SAID AUDITOR'S LOT H; THENCE SOUTH 69 DEGREES 31 MINUTES 35 SECONDS EAST, ALONG SAID SOUTHERN BOUNDARY, A DISTANCE OF 120.07 FEET; THENCE NORTH 32 DEGREES 27 MINUTES 24 SECONDS EAST, CONTINUING ALONG SAID SOUTHERN BOUNDARY, A DISTANCE OF 234.80 FEET TO THE POINT OF BEGINNING.

Section 10. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the A – Agricultural zoning district and included in the R10 – Residential zoning district:

(Parcel 9)

ALL THAT PART OF AUDITOR'S LOT H, OF THE NE 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

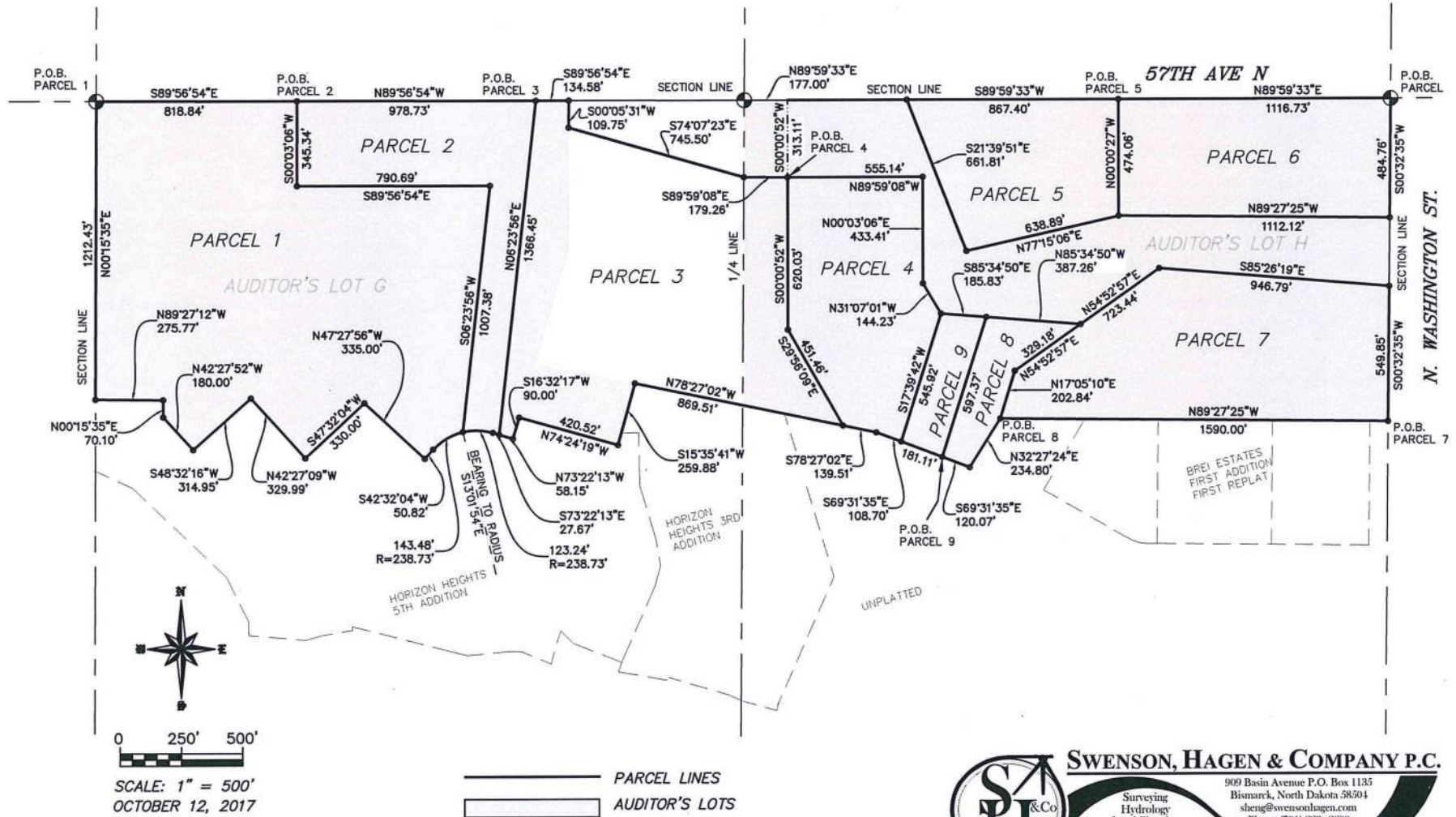
COMMENCING AT THE SOUTHERNMOST POINT OF SAID AUDITOR'S LOT H; THENCE NORTH 69 DEGREES 31 MINUTES 35 SECONDS WEST, ALONG THE SOUTHERN BOUNDARY OF SAID AUDITOR'S LOT H, A DISTANCE OF 120.07 FEET TO THE POINT OF BEGINNING; THENCE NORTH 69 DEGREES 31 MINUTES 35 SECONDS WEST, CONTINUING ALONG SAID SOUTHERN BOUNDARY, A DISTANCE OF 181.11 FEET; THENCE NORTH 17 DEGREES 39 MINUTES 42 SECONDS EAST, A DISTANCE OF 545.92 FEET; THENCE SOUTH 85 DEGREES 34 MINUTES 50 SECONDS EAST, A DISTANCE OF 185.83 FEET; THENCE SOUTH 17 DEGREES 39 MINUTES 42 SECONDS WEST, A DISTANCE OF 597.37 FEET TO THE POINT OF BEGINNING.

Section 11. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 12. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

ZONING EXHIBIT

Section 17, Township 139 N, Range 80 W



ZONING EXHIBIT

Section 17, Township 139 N, Range 80 W

PARCEL 1 REQUESTED ZONING—R5

ALL THAT PART OF AUDITOR'S LOT G OF THE NW 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NW CORNER OF SAID AUDITOR'S LOT G; THENCE SOUTH 89 DEGREES 56 MINUTES 54 SECONDS EAST, ALONG THE NORTHERN BOUNDARY OF SAID AUDITOR'S LOT G, A DISTANCE OF 818.84 FEET; THENCE SOUTH 00 DEGREES 03 MINUTES 06 SECONDS WEST, PERPENDICULAR TO SAID NORTHERN BOUNDARY, A DISTANCE OF 345.34 FEET; THENCE SOUTH 89 DEGREES 56 MINUTES 54 SECONDS EAST, PARALLEL WITH SAID NORTHERN BOUNDARY, A DISTANCE OF 790.69 FEET; THENCE SOUTH 06 DEGREES 23 MINUTES 56 SECONDS WEST, A DISTANCE OF 1007.38 FEET TO THE SOUTHERN BOUNDARY OF SAID AUDITOR'S LOT G; THENCE SOUTHWESTERLY AND TO THE LEFT, ALONG SAID SOUTHERN BOUNDARY, ON A 238.73 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 13 DEGREES 01 MINUTE 54 SECONDS EAST, AN ARC LENGTH OF 143.48 FEET; THENCE SOUTH 42 DEGREES 32 MINUTES 04 SECONDS WEST, CONTINUING ALONG SAID SOUTHERN BOUNDARY, A DISTANCE OF 50.82 FEET; THENCE NORTH 47 DEGREES 27 MINUTES 56 SECONDS WEST, CONTINUING ALONG SAID SOUTHERN BOUNDARY, A DISTANCE OF 335.00 FEET; THENCE SOUTH 47 DEGREES 32 MINUTES 04 SECONDS WEST, CONTINUING ALONG SAID SOUTHERN BOUNDARY, A DISTANCE OF 330.00 FEET; THENCE NORTH 42 DEGREES 27 MINUTES 09 SECONDS WEST, CONTINUING ALONG SAID SOUTHERN BOUNDARY, A DISTANCE OF 329.99 FEET; THENCE SOUTH 48 DEGREES 32 MINUTES 16 SECONDS WEST, CONTINUING ALONG SAID SOUTHERN BOUNDARY, A DISTANCE OF 314.95 FEET; THENCE NORTH 42 DEGREES 27 MINUTES 52 SECONDS WEST, CONTINUING ALONG SAID SOUTHERN BOUNDARY, A DISTANCE OF 180.00 FEET; THENCE NORTH 00 DEGREES 15 MINUTES 35 SECONDS EAST, CONTINUING ALONG SAID SOUTHERN BOUNDARY, A DISTANCE OF 70.10 FEET; THENCE NORTH 89 DEGREES 27 MINUTES 34 SECONDS WEST, CONTINUING ALONG SAID SOUTHERN BOUNDARY, A DISTANCE OF 275.77 FEET TO THE WESTERN BOUNDARY OF SAID AUDITOR'S LOT G; THENCE NORTH 00 DEGREES 15 MINUTES 35 SECONDS EAST, ALONG SAID WESTERN BOUNDARY, A DISTANCE OF 1212.43 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 1,801,773 S.F., MORE OR LESS.

PARCEL 2 REQUESTED ZONING—R10

ALL THAT PART OF AUDITOR'S LOT G OF THE NW 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SAID AUDITOR'S LOT G; THENCE SOUTH 89 DEGREES 56 MINUTES 54 SECONDS EAST, ALONG THE NORTHERN BOUNDARY OF SAID AUDITOR'S LOT G, A DISTANCE OF 818.84 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 03 MINUTES 06 SECONDS WEST, PERPENDICULAR TO SAID NORTHERN BOUNDARY, A DISTANCE OF 345.34 FEET; THENCE SOUTH 89 DEGREES 56 MINUTES 54 SECONDS EAST, PARALLEL TO SAID NORTHERN BOUNDARY, A DISTANCE OF 790.69 FEET; THENCE SOUTH 06 DEGREES 23 MINUTES 56 SECONDS WEST, A DISTANCE OF 1007.38 FEET TO THE SOUTHERN BOUNDARY OF SAID AUDITOR'S LOT G; THENCE NORTHEASTERLY AND TO THE RIGHT, ALONG SAID SOUTHERN BOUNDARY, ON A 238.73 FOOT RADIUS CURVE, THE RADIUS OF WHICH BEARS SOUTH 13 DEGREES 01 MINUTE 54 SECONDS EAST, AN ARC LENGTH OF 123.24 FEET; THENCE SOUTH 73 DEGREES 22 MINUTES 13 SECONDS EAST, CONTINUING ALONG SAID SOUTHERN BOUNDARY, A DISTANCE OF 27.67 FEET; THENCE NORTH 06 DEGREES 23 MINUTES 56 SECONDS EAST, A DISTANCE OF 1366.45 FEET TO THE NORTHERN BOUNDARY OF SAID AUDITOR'S LOT G; THENCE NORTH 89 DEGREES 56 MINUTES 54 SECONDS WEST, ALONG SAID NORTHERN BOUNDARY, A DISTANCE OF 978.73 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 480,958 S.F., MORE OR LESS.

PARCEL 3 REQUESTED ZONING—RM15

ALL THAT PART OF AUDITOR'S LOTS G & H, AND PART OF UNPLATTED PORTIONS OF THE N 1/2 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SAID AUDITOR'S LOT G; THENCE SOUTH 89 DEGREES 56 MINUTES 54 SECONDS EAST, ALONG THE NORTHERN BOUNDARY OF SAID AUDITOR'S LOT G, A DISTANCE OF 1797.57 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 56 MINUTES 54 SECONDS EAST, ALONG SAID NORTHERN BOUNDARY, A DISTANCE OF 134.58 FEET; THENCE SOUTH 00 DEGREES 05 MINUTES 31 SECONDS WEST, A DISTANCE OF 109.75 FEET; THENCE SOUTH 74 DEGREES 07 MINUTES 23 SECONDS EAST, A DISTANCE OF 745.50 FEET TO THE WEST BOUNDARY OF SAID AUDITOR'S LOT H; THENCE SOUTH 89 DEGREES 59 MINUTES 08 SECONDS EAST, A DISTANCE OF 179.26 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 52 SECONDS WEST, A DISTANCE OF 620.03 FEET; THENCE SOUTH 29 DEGREES 56 MINUTES 09 SECONDS EAST, A DISTANCE OF 451.46 FEET TO THE SOUTHEASTERLY EXTENSION OF THE NORTHERN BOUNDARY LINE OF HORIZON HEIGHTS 3RD ADDITION; THENCE NORTH 78 DEGREES 27 MINUTES 02 SECONDS WEST, ALONG SAID SOUTHEASTERLY EXTENSION AND SAID NORTHERN BOUNDARY, A DISTANCE OF 869.51 FEET TO THE NORTHWESTERLY BOUNDARY OF HORIZON HEIGHTS 3RD ADDITION; THENCE SOUTH 15 DEGREES 35 MINUTES 41 SECONDS EAST, ALONG SAID NORTHWESTERLY BOUNDARY AND THE NORTHERN BOUNDARY OF HORIZON HEIGHTS 5TH ADDITION, A DISTANCE OF 259.88 FEET; THENCE NORTH 74 DEGREES 24 MINUTES 19 SECONDS WEST, ALONG SAID NORTHERN BOUNDARY, A DISTANCE OF 420.52 FEET; THENCE SOUTH 16 DEGREES 32 MINUTES 17 SECONDS EAST, CONTINUING ALONG SAID NORTHERN BOUNDARY, A DISTANCE OF 90.00 FEET; THENCE NORTH 73 DEGREES 22 MINUTES 13 SECONDS WEST, CONTINUING ALONG SAID NORTHERN BOUNDARY, A DISTANCE OF 58.15 FEET; THENCE NORTH 06 DEGREES 23 MINUTES 56 SECONDS EAST, A DISTANCE OF 1366.45 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 1,232,895 S.F., MORE OR LESS.

PARCEL 4 REQUESTED ZONING—R5

ALL THAT PART OF AUDITOR'S LOT H, OF THE NE 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SAID AUDITOR'S LOT H; THENCE NORTH 89 DEGREES 59 MINUTES 33 SECONDS EAST, ALONG THE NORTHERN BOUNDARY OF SAID AUDITOR'S LOT H, A DISTANCE OF 177.00 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 52 SECONDS WEST, A DISTANCE OF 313.11 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 00 MINUTES 52 SECONDS WEST, A DISTANCE OF 620.03 FEET; THENCE SOUTH 29 DEGREES 56 MINUTES 09 SECONDS EAST, A DISTANCE OF 451.45 FEET TO THE SOUTHERN BOUNDARY OF SAID AUDITOR'S LOT H; THENCE SOUTH 78 DEGREES 27 MINUTES 02 SECONDS EAST, ALONG SAID SOUTHERN BOUNDARY, A DISTANCE OF 139.51 FEET; THENCE SOUTH 69 DEGREES 31 MINUTES 35 SECONDS EAST, CONTINUING ALONG SAID SOUTHERN BOUNDARY, A DISTANCE OF 108.70 FEET; THENCE NORTH 17 DEGREES 39 MINUTES 42 SECONDS EAST, A DISTANCE OF 545.92 FEET; THENCE NORTH 31 DEGREES 07 MINUTES 01 SECOND WEST, A DISTANCE OF 144.23 FEET; THENCE NORTH 00 DEGREES 03 MINUTES 06 SECONDS EAST, A DISTANCE OF 433.41 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 08 SECONDS WEST, A DISTANCE OF 555.14 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 530,078 S.F., MORE OR LESS.



SWENSON, HAGEN & COMPANY P.C.

Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

909 Basin Avenue P.O. Box 1135
Bismarck, North Dakota 58504
sheng@swensonhagen.com
Phone (701) 223-2600
Fax (701) 223-2606

ZONING EXHIBIT

Section 17, Township 139 N, Range 80 W

PARCEL 5 REQUESTED ZONING—CONDITIONAL RT

ALL THAT PART OF AUDITOR'S LOT H OF THE NE 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NE CORNER OF AUDITOR'S LOT H; THENCE SOUTH 89 DEGREES 59 MINUTES 33 SECONDS WEST, ALONG THE NORTHERN BOUNDARY OF SAID AUDITOR'S LOT H, A DISTANCE OF 1116.73 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 59 MINUTES 33 SECONDS WEST, CONTINUING ALONG SAID NORTHERN BOUNDARY, A DISTANCE OF 867.40 FEET; THENCE SOUTH 21 DEGREES 39 MINUTES 51 SECONDS EAST, A DISTANCE OF 661.81 FEET; THENCE NORTH 77 DEGREES 15 MINUTES 06 SECONDS EAST, A DISTANCE OF 638.89 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 27 SECONDS WEST, A DISTANCE OF 474.06 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 414,516 S.F., MORE OR LESS.

PARCEL 6 REQUESTED ZONING—CONDITIONAL CA

ALL THAT PART OF AUDITOR'S LOT H OF THE NE 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NE CORNER OF SAID AUDITOR'S LOT H; THENCE SOUTH 00 DEGREES 32 MINUTES 35 SECONDS WEST, ALONG THE EASTERN BOUNDARY OF SAID AUDITOR'S LOT H, A DISTANCE OF 484.76 FEET; THENCE NORTH 89 DEGREES 27 MINUTES 25 SECONDS WEST, A DISTANCE OF 1112.12 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 27 SECONDS WEST, A DISTANCE OF 474.06 FEET TO THE NORTHERN BOUNDARY OF SAID AUDITOR'S LOT H; THENCE NORTH 89 DEGREES 59 MINUTES 33 SECONDS EAST, ALONG SAID NORTHERN BOUNDARY, A DISTANCE OF 1116.73 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 534,254 S.F., MORE OR LESS.

PARCEL 7 REQUESTED ZONING—RT

ALL THAT PART OF AUDITOR'S LOT H OF THE NE 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SE CORNER OF SAID AUDITOR'S LOT H; THENCE NORTH 89 DEGREES 27 MINUTES 25 SECONDS WEST, ALONG THE SOUTHERN BOUNDARY OF SAID AUDITOR'S LOT H, A DISTANCE OF 1590.00 FEET; THENCE NORTH 17 DEGREES 05 MINUTES 10 SECONDS EAST, A DISTANCE OF 202.84 FEET; THENCE NORTH 54 DEGREES 52 MINUTES 57 SECONDS EAST, A DISTANCE OF 723.44 FEET; THENCE SOUTH 85 DEGREES 26 MINUTES 19 SECONDS EAST, A DISTANCE OF 946.79 FEET TO THE EASTERN BOUNDARY OF SAID AUDITOR'S LOT H; THENCE SOUTH 00 DEGREES 32 MINUTES 35 SECONDS WEST, ALONG SAID EASTERN BOUNDARY, A DISTANCE OF 549.85 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 794,491 S.F., MORE OR LESS.

PARCEL 8 REQUESTED ZONING—RM10

ALL THAT PART OF AUDITOR'S LOT H, OF THE NE 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SE CORNER OF SAID AUDITOR'S LOT H; THENCE NORTH 89 DEGREES 27 MINUTES 25 SECONDS WEST, ALONG THE SOUTHERN BOUNDARY OF SAID AUDITOR'S LOT H, A DISTANCE OF 1590.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 17 DEGREES 05 MINUTES 10 SECONDS EAST, A DISTANCE OF 202.84 FEET; THENCE NORTH 54 DEGREES 52 MINUTES 57 SECONDS EAST, A DISTANCE OF 329.18 FEET; THENCE NORTH 85 DEGREES 34 MINUTES 50 SECONDS WEST, A DISTANCE OF 387.26 FEET; THENCE SOUTH 17 DEGREES 39 MINUTES 42 SECONDS WEST, A DISTANCE OF 597.37 FEET TO THE SOUTHERN BOUNDARY OF SAID AUDITOR'S LOT H; THENCE SOUTH 69 DEGREES 31 MINUTES 35 SECONDS EAST, ALONG SAID SOUTHERN BOUNDARY, A DISTANCE OF 120.07 FEET; THENCE NORTH 32 DEGREES 27 MINUTES 24 SECONDS EAST, CONTINUING ALONG SAID SOUTHERN BOUNDARY, A DISTANCE OF 234.80 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 125,953 S.F., MORE OR LESS.

PARCEL 9 REQUESTED ZONING—R10

ALL THAT PART OF AUDITOR'S LOT H, OF THE NE 1/4 OF SECTION 17, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHERNMOST POINT OF SAID AUDITOR'S LOT H; THENCE NORTH 69 DEGREES 31 MINUTES 35 SECONDS WEST, ALONG THE SOUTHERN BOUNDARY OF SAID AUDITOR'S LOT H, A DISTANCE OF 120.07 FEET TO THE POINT OF BEGINNING; THENCE NORTH 69 DEGREES 31 MINUTES 35 SECONDS WEST, CONTINUING ALONG SAID SOUTHERN BOUNDARY, A DISTANCE OF 181.11 FEET; THENCE NORTH 17 DEGREES 39 MINUTES 42 SECONDS EAST, A DISTANCE OF 545.92 FEET; THENCE SOUTH 85 DEGREES 34 MINUTES 50 SECONDS EAST, A DISTANCE OF 185.83 FEET; THENCE SOUTH 17 DEGREES 39 MINUTES 42 SECONDS WEST, A DISTANCE OF 597.37 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 530,078 S.F., MORE OR LESS.



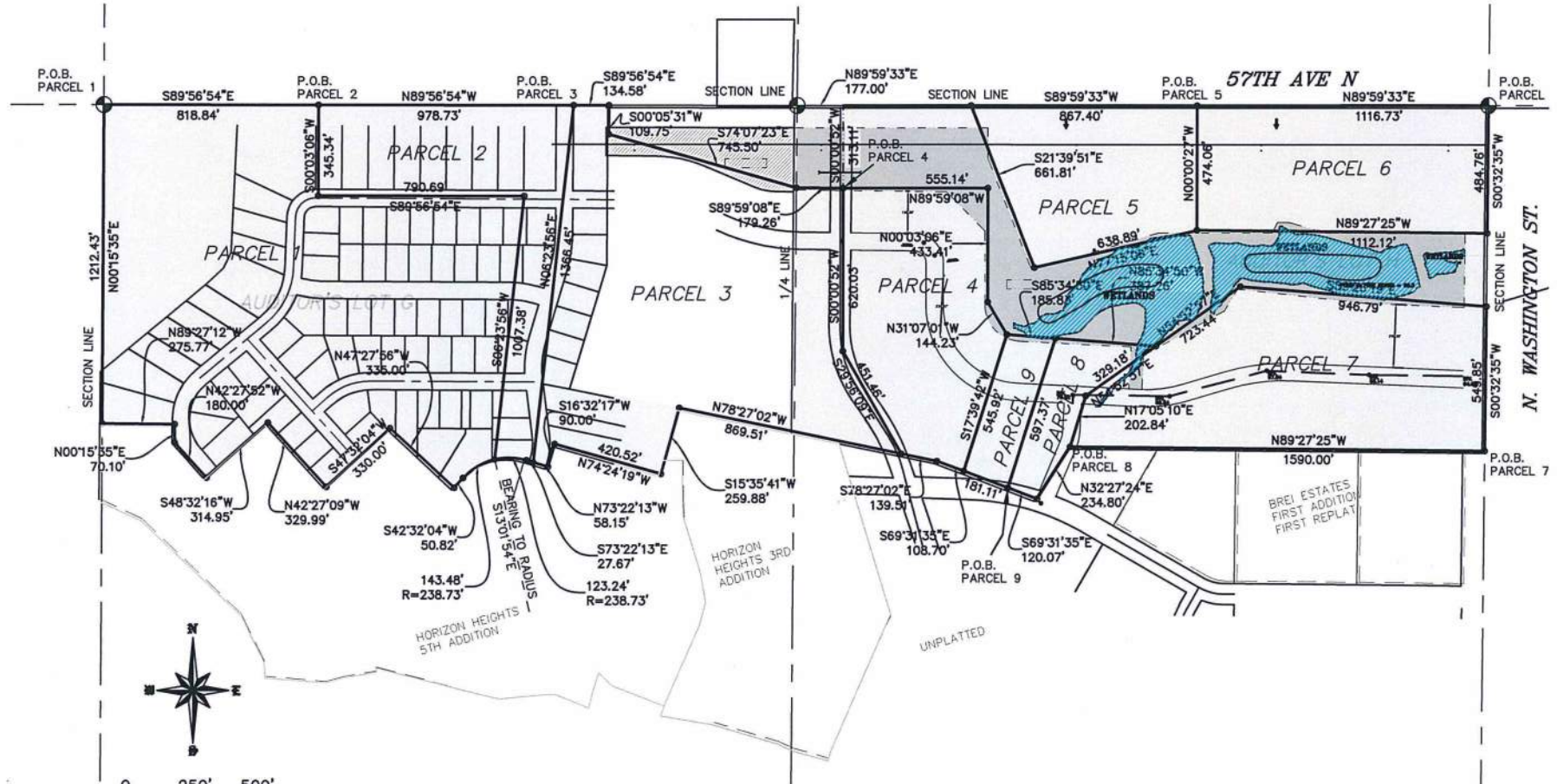
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ZONING EXHIBIT

Section 17, Township 139 N, Range 80 W



PARCEL LINES
AUDITOR'S LOTS



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STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 12

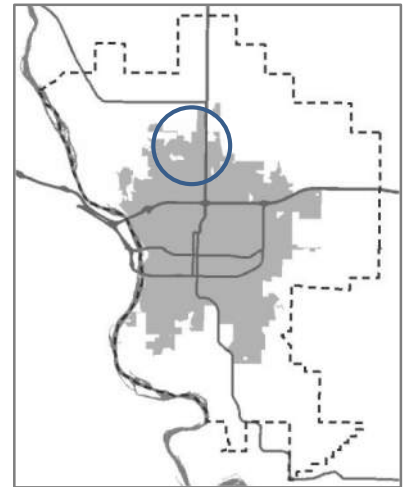
December 20, 2017

Application for: Zoning Change

TRAKiT Project ID: ZC2017-023

Project Summary

Title:	Part of the NW ¹ / ₄ of Section 16, Hay Creek Township
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Five Guys Investment, LLP
Project Contact:	Lon Romsaas, PE, Swenson Hagen & Co.
Location:	In northwest Bismarck, along the east side of North Washington Street and the south side of 57 th Avenue NE (part of the NW ¹ / ₄ of Section 16, T139N-R80W/ Hay Creek Township).
Project Size:	47.71 acres
Request:	Rezone property to establish the desired zoning districts prior to platting.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 unplatted tract	Number of Lots:	1 unplatted tract
Land Use:	Undeveloped	Land Use:	Mixed density residential, office and neighborhood commercial
Designated GMP Future Land Use:	Medium Density Residential	Designated GMP Future Land Use:	Medium Density Residential
Zoning:	A – Agricultural	Zoning:	R5 – Residential RM15 – Residential RT – Residential Conditional CA – Commercial
Uses Allowed:	A – Agriculture	Uses Allowed:	R5 – Single-family residential RM15 – Multi-family residential RT – Offices and multi-family residential Conditional CA – Neighborhood commercial
Max Density Allowed:	A – 1 unit / 40 acres	Max Density Allowed:	R5 – 5 units / acre RM15 – 15 units / acre RT – 30 units / acre Conditional CA – 30 units / acre

Property History

Zoned:	N/A	Platted:	N/A	Annexed:	N/A
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Staff Analysis

Five Guys Investment, LLP is requesting approval of a zoning change to establish the zoning of the property prior to platting. The City is currently working with the applicant on the acquisition of property in this area for stormwater management facilities.

Adjacent land uses include single family residential and an elementary school to the south, a combination of low and medium density residential to the east, the future location of St. Mary's Central High School and undeveloped property to the north, and undeveloped property to the west.

The proposed zoning would be consistent with the Future Land Use Plan, which identifies this development block as Medium Density Residential, with residential densities ranging from 4 to 10 units per acre.

In addition, landscape buffer yards may be required in conjunction with development of the property depending on final lot configuration and zoning.

The areas in discussions to be acquired by the City are not included in the action.

Required Findings of Fact (relating to land use)

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The Hay Creek Township Board of Supervisors has not yet made a recommendation on the proposed zoning change;

5. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
6. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
7. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
8. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
9. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning change from the A – Agricultural zoning district to the Conditional CA – Commercial zoning district for the property identified as Parcel 1 on the attached exhibit, to the RT – Residential zoning district for the property identified as Parcel 2, to the RM15 – Residential zoning district for the property identified as Parcel 3, and to the R5 – Residential zoning district on the property identified as Parcel 4, all in the NW¹/₄ of Section 16, T139N-R80W/Hay Creek Township, as outlined in the attached draft zoning ordinance and with the understanding that the property will need to be platted and annexed prior to development.

Attachments

1. Location Map
2. Zoning and Plan Reference Map
3. Zoning Change Detail
4. Draft Zoning Ordinance
5. Zoning Exhibit with Parcels 1-4

(continued)

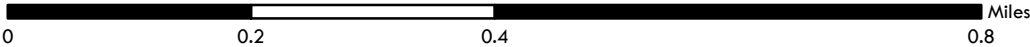
Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov



**Proposed Zoning Change (A to R5, RM15, RT
and Conditional CA)**

Part of the NW1/4 of Section 16, T139N-R80W/Hay Creek Township

Trakit Project ZC2017-023
Location Map

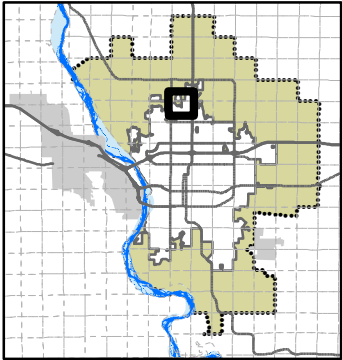


City Limits



Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
October 17, 2017 (HLB)

This map is for representational use only and does
not represent a survey. No liability is assumed as
to the accuracy of the data delineated hereon.



Proposed Zoning Change (A to R5, RM15, RT & Conditional CA)

Zoning and Plan
Reference Map

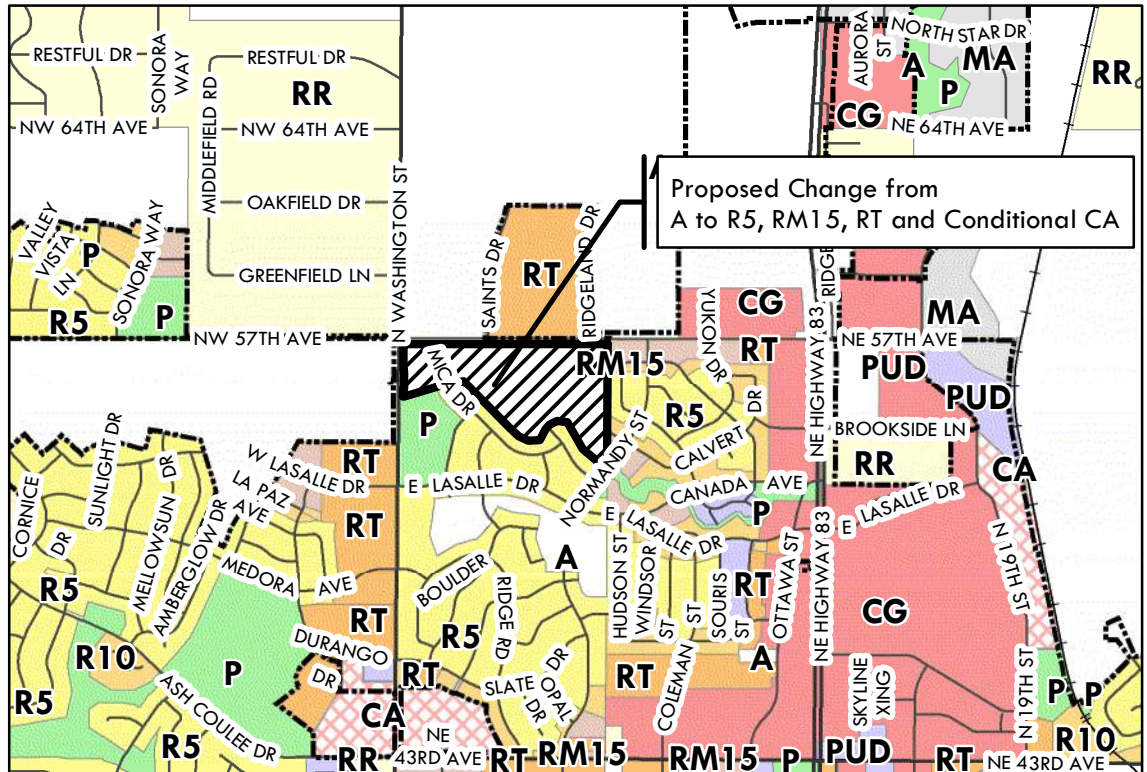
Part of the NW 1/4 of Section 16, T139N-R80W/Hay Creek Township

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

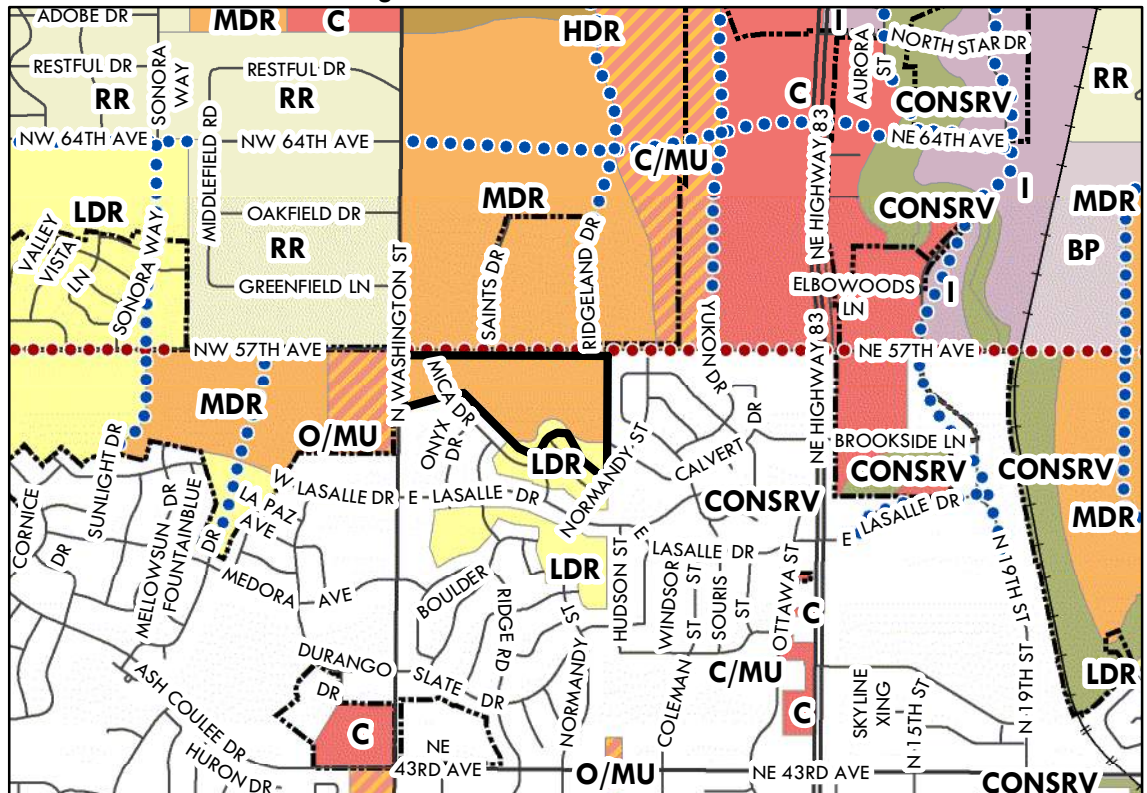
Zoning Map



Future Land Use Plan and Fringe Area Road Master Plan

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve



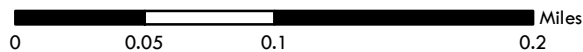
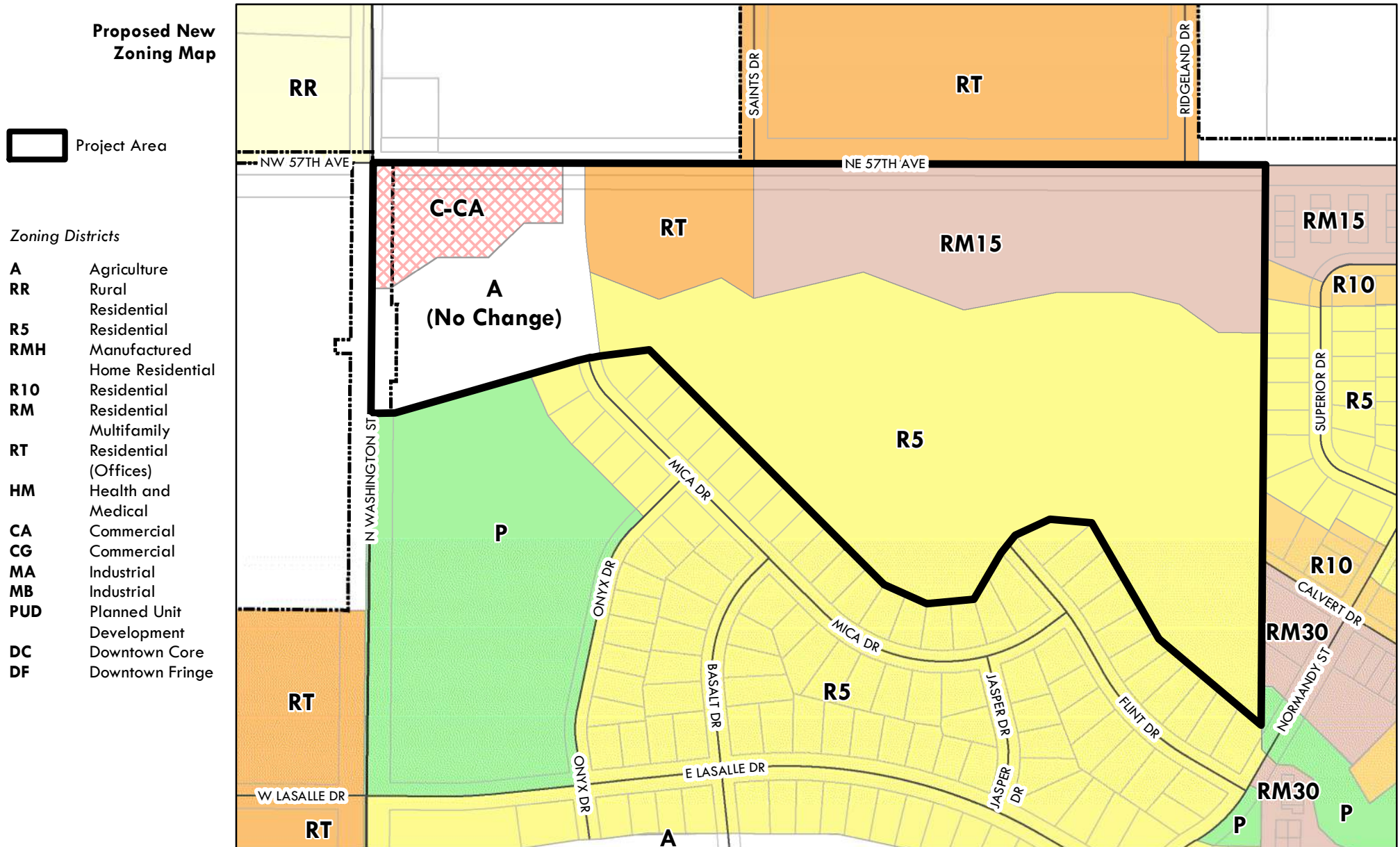
Fringe Area Road Master Plan

- Planned Arterial
- Planned Collector

City Limits

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City of Bismarck
Community Development Dept.
Planning Division
November 8, 2017



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ORDINANCE NO. XXXX

<i>Introduced by</i>	_____
<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 1986 CODE OF ORDINANCES, OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the A – Agricultural zoning district and included in the Conditional CA – Commercial zoning district:

(Parcel 1)

ALL THAT PART OF THE NW 1/4 OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NW 1/4; THENCE SOUTH 89 DEGREES 54 MINUTES 06 SECONDS EAST, ALONG THE NORTH LINE OF SAID NW 1/4, A DISTANCE OF 60.00 FEET; THENCE SOUTH 00 DEGREES 32 MINUTES 25 SECONDS WEST, PARALLEL WITH THE WEST LINE OF SAID NW 1/4, A DISTANCE OF 75.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 54 MINUTES 06 SECONDS EAST, PARALLEL WITH THE NORTH LINE OF SAID NW 1/4, A DISTANCE OF 504.57 FEET TO THE WEST LINE OF STORM SEWER, SANITARY SEWER, & WATERMAIN EASEMENT DOC. #785979; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 65.18 FEET; THENCE SOUTHEASTERLY AND TO THE LEFT, ON A 1033.00 FOOT RADIUS CURVE, CONTINUING ALONG SAID WEST LINE, AN ARC LENGTH OF 34.28 FEET; THENCE SOUTH 89 DEGREES 38 MINUTES 48 SECONDS WEST, A DISTANCE OF 114.42 FEET; THENCE SOUTH 46 DEGREES 24 MINUTES 15 SECONDS WEST, A DISTANCE OF 144.80 FEET; THENCE SOUTH 89 DEGREES 56 MINUTES 36 SECONDS WEST, A DISTANCE OF 150.31 FEET; THENCE SOUTH 56 DEGREES 29 MINUTES 28 SECONDS WEST, A DISTANCE OF 165.86 FEET TO THE EAST LINE OF TOWNSHIP ROAD EASEMENT DOC. #468826; THENCE NORTH 00 DEGREES 32 MINUTES 25 SECONDS EAST, ALONG SAID EAST LINE AND PARALLEL WITH THE WEST LINE OF SAID NW 1/4, A DISTANCE OF 292.60 FEET TO THE POINT OF BEGINNING.

This Conditional CA-Commercial zoning district is subject to the following development standards:

1. *Uses Permitted.* The following uses are permitted:

- a. ~~A single or two family dwelling when used in conjunction with a commercial use.~~
- b. Multifamily dwelling.
- c. Group dwelling.
- d. Row houses/townhouses (subject to RM residential zone regulations).
- e. Retail group A.
- f. Service group A.
- g. Office-bank group.
- h. Health-medical group.
- i. Public recreation group.
- j. Education group.
- k. Religious institution.

The following uses are allowed as special uses pursuant to Section 14-03-08 hereof:

- a. Temporary Christmas tree sales.
- b. Temporary farm and garden produce sales.
- c. Filling station.
- d. Seasonal nursery and bedding stock sales.
- e. Child care center.
- f. Drive-in bank.
- g. Retail liquor sales.

2. *Development standards.*

- a. No principal building shall exceed three (3) stories in height.
- b. No principal one-story building shall have a footprint greater than fifty thousand (50,000) square feet; no principal two-story building shall have a footprint greater than thirty thousand (30,000) square feet and no principal building with three or more stories shall have a footprint greater than twenty thousand (20,000) square feet.
- c. All exterior lighting shall be designed and installed in a manner intended to limit the amount of off-site impacts to the adjacent residential uses to the west.
- d. Any illuminated signs shall be designed and installed in a manner intended to limit the amount of off-site impacts to the adjacent residential uses.
- e. All other development standards shall be as outlined in Section 14-04-10, CA – Commercial District, of the City Code of Ordinances.

Section 2. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the A – Agricultural district and included within the RT – Residential district:

(Parcel 2)

ALL THAT PART OF THE NW 1/4 OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1 BLOCK 10 BOULDER RIDGE 5TH ADDITION; THENCE NORTH 07 DEGREES 00 MINUTES 05 SECONDS WEST, ALONG THE EAST LINE OF STORM SEWER, SANITARY SEWER & WATERMAIN EASEMENT DOC #785979, A DISTANCE OF 248.97 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 68 DEGREES 40 MINUTES 52 SECONDS EAST, A DISTANCE OF 218.11 FEET; THENCE NORTH 71 DEGREES 19 MINUTES 35 SECONDS EAST, A DISTANCE OF 192.86 FEET; THENCE SOUTH 57 DEGREES 58 MINUTES 32 SECONDS EAST, A DISTANCE OF 111.93 FEET; THENCE NORTH 00 DEGREES 04 MINUTES 13 SECONDS EAST, A DISTANCE OF 319.11 FEET TO THE SOUTH LINE OF 75' HIGHWAY RIGHT OF WAY EASEMENT DOC. #776044; THENCE NORTH 89 DEGREES 54 MINUTES 06 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 495.77 FEET TO THE EAST LINE OF STORM SEWER, SANITARY SEWER & WATERMAIN EASEMENT DOC. #785979; THENCE SOUTH 00 DEGREES 00 MINUTES 12 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 65.06 FEET; THENCE SOUTHEASTERLY AND TO THE LEFT, CONTINUING ALONG SAID EAST LINE, ON A 967.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 118.14 FEET; THENCE SOUTH 07 DEGREES 00 MINUTES 04 SECONDS EAST, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 60.60 FEET TO THE POINT OF BEGINNING.

Section 3. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the A – Agricultural district and included within the RM15 – Residential district:

(Parcel 3)

ALL THAT PART OF THE NW 1/4 OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NW 1/4; THENCE SOUTH 00 DEGREES 24 MINUTES 58 SECONDS WEST, ALONG THE EAST LINE OF SAID NW 1/4, A DISTANCE OF 75.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 24 MINUTES 58 SECONDS WEST, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 418.25 FEET; THENCE NORTH 89 DEGREES 23 MINUTES 54 SECONDS WEST, A DISTANCE OF 138.90 FEET; THENCE NORTH 53 DEGREES 51 MINUTES 58 SECONDS WEST, A DISTANCE OF 140.71 FEET; THENCE NORTH 75 DEGREES 57 MINUTES 06 SECONDS WEST, A DISTANCE OF 140.95 FEET; THENCE NORTH 90 DEGREES 00

MINUTES 00 SECONDS WEST, A DISTANCE OF 225.86 FEET; THENCE SOUTH 79 DEGREES 16 MINUTES 26 SECONDS WEST, A DISTANCE OF 273.85 FEET; THENCE NORTH 69 DEGREES 27 MINUTES 15 SECONDS WEST, A DISTANCE OF 315.65 FEET; THENCE SOUTH 76 DEGREES 33 MINUTES 53 SECONDS WEST, A DISTANCE OF 330.42 FEET; THENCE NORTH 00 DEGREES 04 MINUTES 13 SECONDS EAST, A DISTANCE OF 319.11 FEET TO THE SOUTH LINE OF 75' HIGHWAY RIGHT OF WAY EASEMENT DOC. #776044; THENCE SOUTH 89 DEGREES 54 MINUTES 06 SECONDS EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 1502.43 FEET TO THE POINT OF BEGINNING.

Section 4. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the A – Agricultural district and included within the R5 – Residential district:

(Parcel 4)

ALL THAT PART OF THE NW 1/4 OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

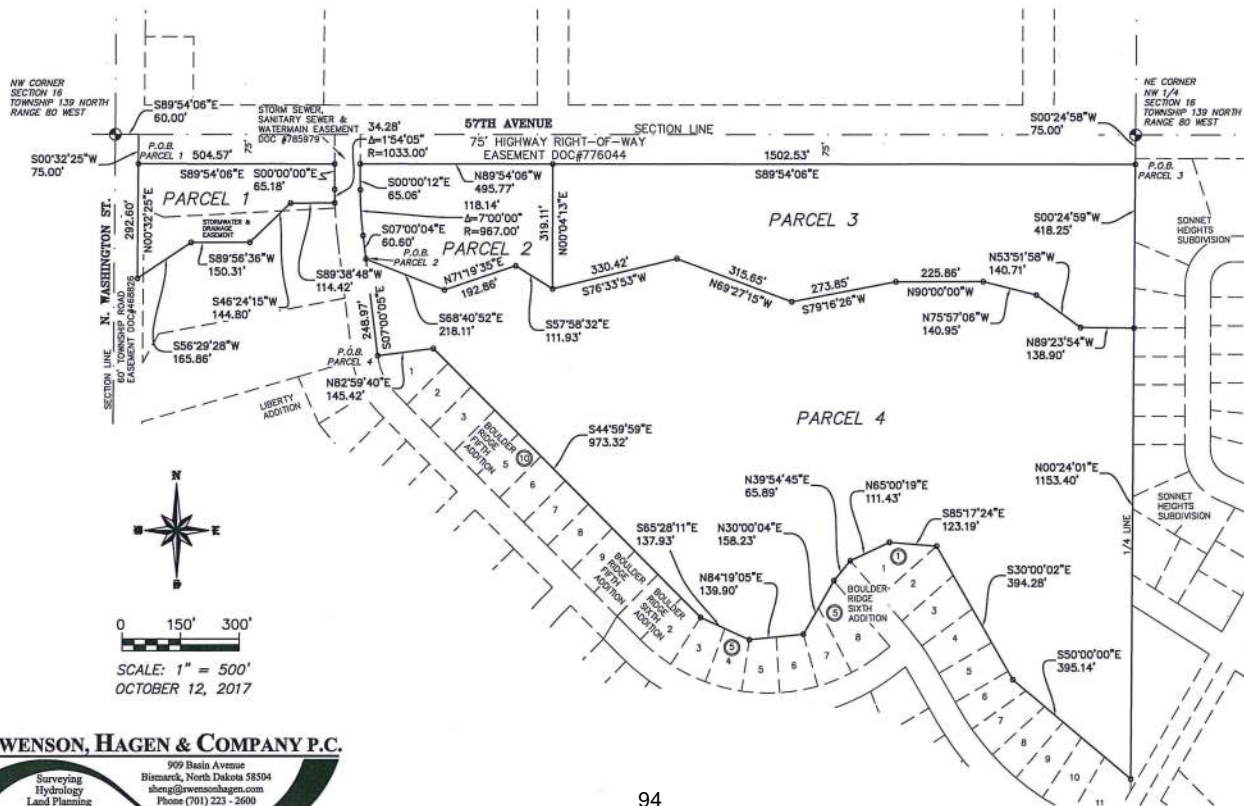
BEGINNING AT THE NORTHWEST CORNER OF LOT 1 BLOCK 10 BOULDER RIDGE FIFTH ADDITION; THENCE NORTH 82 DEGREES 59 MINUTES 40 SECONDS EAST, ALONG THE BOUNDARY OF BOULDER RIDGE FIFTH ADDITION, A DISTANCE OF 145.42 FEET; THENCE SOUTH 44 DEGREES 59 MINUTES 59 SECONDS EAST, ALONG SAID BOUNDARY, AND THE BOUNDARY OF BOULDER RIDGE SIXTH ADDITION, A DISTANCE OF 973.32 FEET; THENCE SOUTH 65 DEGREES 28 MINUTES 11 SECONDS EAST, ALONG THE BOUNDARY OF BOULDER RIDGE SIXTH ADDITION, A DISTANCE OF 137.93 FEET; THENCE NORTH 84 DEGREES 19 MINUTES 05 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 139.90 FEET; THENCE NORTH 30 DEGREES 00 MINUTES 04 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 158.23 FEET; THENCE NORTH 39 DEGREES 54 MINUTES 45 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 65.89 FEET; THENCE NORTH 65 DEGREES 00 MINUTES 19 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 111.43 FEET; THENCE SOUTH 85 DEGREES 17 MINUTES 24 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 123.19 FEET; THENCE SOUTH 30 DEGREES 00 MINUTES 02 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 394.28 FEET; THENCE SOUTH 50 DEGREES 00 MINUTES 00 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 395.14 FEET TO THE EAST LINE OF SAID NW 1/4; THENCE NORTH 00 DEGREES 24 MINUTES 07 SECONDS, ALONG SAID EAST LINE, A DISTANCE OF 1153.40 FEET; THENCE NORTH 89 DEGREES 23 MINUTES 54 SECONDS WEST, A DISTANCE OF 138.90 FEET; THENCE NORTH 53 DEGREES 51 MINUTES 58 SECONDS WEST, A DISTANCE OF 140.71 FEET; THENCE NORTH 75 DEGREES 57 MINUTES 06 SECONDS WEST, A DISTANCE OF 140.95 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 225.86 FEET; THENCE SOUTH 79 DEGREES 16 MINUTES 26 SECONDS WEST, A DISTANCE OF 273.85 FEET; THENCE NORTH 69 DEGREES 27 MINUTES 15 SECONDS WEST, A DISTANCE

OF 315.65 FEET; THENCE SOUTH 76 DEGREES 33 MINUTES 53 SECONDS WEST, A DISTANCE OF 330.42 FEET; THENCE NORTH 57 DEGREES 58 MINUTES 32 SECONDS WEST, A DISTANCE OF 111.93 FEET; THENCE SOUTH 71 DEGREES 19 MINUTES 35 SECONDS WEST, A DISTANCE OF 192.86 FEET; THENCE NORTH 68 DEGREES 40 MINUTES 52 SECONDS WEST, A DISTANCE OF 218.11 FEET TO THE EAST LINE OF STORM SEWER, SANITARY SEWER & WATERMAIN EASEMENT DOC. #785979; THENCE SOUTH 07 DEGREES 00 MINUTES 05 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 248.97 FEET TO THE POINT OF BEGINNING.

Section 5. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 6. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

Section 16, Township 139 N, Range 80 W



SWENSON, HAGEN & COMPANY P.C.

Surveying
Hydrology
Land Planning
Civil Engineering
Landscape & Site Design
Construction Management

909 Basin Avenue
Bismarck, North Dakota 58504
sheng@arwensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 - 2606

ZONING EXHIBIT

Section 16, Township 139 N, Range 80 W

PARCEL 1 REQUESTED ZONING-CONDITIONAL CA

ALL THAT PART OF THE NW 1/4 OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NW 1/4; THENCE SOUTH 89 DEGREES 54 MINUTES 06 SECONDS EAST, ALONG THE NORTH LINE OF SAID NW 1/4, A DISTANCE OF 60.00 FEET; THENCE SOUTH 00 DEGREES 32 MINUTES 25 SECONDS WEST, PARALLEL WITH THE WEST LINE OF SAID NW 1/4, A DISTANCE OF 75.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 54 MINUTES 06 SECONDS EAST, PARALLEL WITH THE NORTH LINE OF SAID NW 1/4, A DISTANCE OF 504.57 FEET TO THE WEST LINE OF STORM SEWER, SANITARY SEWER, & WATERMAIN EASEMENT DOC. #785979; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 65.18 FEET; THENCE SOUTHEASTERLY AND TO THE LEFT, ON A 1033.00 FOOT RADIUS CURVE, CONTINUING ALONG SAID WEST LINE, AN ARC LENGTH OF 34.28 FEET; THENCE SOUTH 89 DEGREES 38 MINUTES 48 SECONDS WEST, A DISTANCE OF 114.42 FEET; THENCE SOUTH 46 DEGREES 24 MINUTES 15 SECONDS WEST, A DISTANCE OF 144.80 FEET; THENCE SOUTH 89 DEGREES 56 MINUTES 36 SECONDS WEST, A DISTANCE OF 150.31 FEET; THENCE SOUTH 56 DEGREES 29 MINUTES 28 SECONDS WEST, A DISTANCE OF 165.86 FEET TO THE EAST LINE OF TOWNSHIP ROAD EASEMENT DOC. #468826; THENCE NORTH 00 DEGREES 32 MINUTES 25 SECONDS EAST, ALONG SAID EAST LINE AND PARALLEL WITH THE WEST LINE OF SAID NW 1/4, A DISTANCE OF 292.60 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 91,011 S.F., MORE OR LESS.

PARCEL 2 REQUESTED ZONING-RT

ALL THAT PART OF THE NW 1/4 OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1 BLOCK 10 BOULDER RIDGE 5TH ADDITION; THENCE NORTH 07 DEGREES 00 MINUTES 05 SECONDS WEST, ALONG THE EAST LINE OF STORM SEWER, SANITARY SEWER & WATERMAIN EASEMENT DOC #785979, A DISTANCE OF 248.97 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 68 DEGREES 40 MINUTES 52 SECONDS EAST, A DISTANCE OF 218.11 FEET; THENCE NORTH 71 DEGREES 19 MINUTES 35 SECONDS EAST, A DISTANCE OF 192.86 FEET; THENCE SOUTH 57 DEGREES 58 MINUTES 32 SECONDS EAST, A DISTANCE OF 111.93 FEET; THENCE NORTH 00 DEGREES 04 MINUTES 13 SECONDS EAST, A DISTANCE OF 319.11 FEET TO THE SOUTH LINE OF 75' HIGHWAY RIGHT OF WAY EASEMENT DOC. #776044; THENCE NORTH 89 DEGREES 54 MINUTES 06 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 495.77 FEET TO THE EAST LINE OF STORM SEWER, SANITARY SEWER & WATERMAIN EASEMENT DOC. #785979; THENCE SOUTH 00 DEGREES 00 MINUTES 12 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 65.06 FEET; THENCE SOUTHEASTERLY AND TO THE LEFT, CONTINUING ALONG SAID EAST LINE, ON A 967.00 FOOT RADIUS CURVE, AN ARC LENGTH OF 118.14 FEET; THENCE SOUTH 07 DEGREES 00 MINUTES 04 SECONDS EAST, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 60.60 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 140,702 S.F., MORE OR LESS.

PARCEL 3 REQUESTED ZONING-RM15

ALL THAT PART OF THE NW 1/4 OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NW 1/4; THENCE SOUTH 00 DEGREES 24 MINUTES 58 SECONDS WEST, ALONG THE EAST LINE OF SAID NW 1/4, A DISTANCE OF 75.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 24 MINUTES 58 SECONDS WEST, CONTINUING ALONG SAID EAST LINE, A DISTANCE OF 418.25 FEET; THENCE NORTH 89 DEGREES 23 MINUTES 54 SECONDS WEST, A DISTANCE OF 138.90 FEET; THENCE NORTH 53 DEGREES 51 MINUTES 58 SECONDS WEST, A DISTANCE OF 140.71 FEET; THENCE NORTH 75 DEGREES 57 MINUTES 06 SECONDS WEST, A DISTANCE OF 140.95 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 225.86 FEET; THENCE SOUTH 79 DEGREES 16 MINUTES 26 SECONDS WEST, A DISTANCE OF 273.85 FEET; THENCE NORTH 69 DEGREES 27 MINUTES 15 SECONDS WEST, A DISTANCE OF 315.65 FEET; THENCE SOUTH 76 DEGREES 33 MINUTES 53 SECONDS WEST, A DISTANCE OF 330.42 FEET; THENCE NORTH 00 DEGREES 04 MINUTES 13 SECONDS EAST, A DISTANCE OF 319.11 FEET TO THE SOUTH LINE OF 75' HIGHWAY RIGHT OF WAY EASEMENT DOC. #776044; THENCE SOUTH 89 DEGREES 54 MINUTES 06 SECONDS EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 1502.43 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 477,662 S.F., MORE OR LESS.

PARCEL 4 REQUESTED ZONING-R5

ALL THAT PART OF THE NW 1/4 OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST, BISMARCK, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 BLOCK 10 BOULDER RIDGE FIFTH ADDITION; THENCE NORTH 82 DEGREES 59 MINUTES 40 SECONDS EAST, ALONG THE BOUNDARY OF BOULDER RIDGE FIFTH ADDITION, A DISTANCE OF 145.42 FEET; THENCE SOUTH 44 DEGREES 59 MINUTES 59 SECONDS EAST, ALONG SAID BOUNDARY, AND THE BOUNDARY OF BOULDER RIDGE SIXTH ADDITION, A DISTANCE OF 973.32 FEET; THENCE SOUTH 65 DEGREES 28 MINUTES 11 SECONDS EAST, ALONG THE BOUNDARY OF BOULDER RIDGE SIXTH ADDITION, A DISTANCE OF 137.93 FEET; THENCE NORTH 84 DEGREES 19 MINUTES 05 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 139.90 FEET; THENCE NORTH 30 DEGREES 00 MINUTES 04 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 158.23 FEET; THENCE NORTH 39 DEGREES 54 MINUTES 45 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 65.89 FEET; THENCE NORTH 65 DEGREES 00 MINUTES 19 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 111.43 FEET; THENCE SOUTH 85 DEGREES 17 MINUTES 24 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 123.19 FEET; THENCE SOUTH 30 DEGREES 00 MINUTES 02 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 394.28 FEET; THENCE SOUTH 50 DEGREES 00 MINUTES 00 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 395.14 FEET TO THE EAST LINE OF SAID NW 1/4; THENCE NORTH 00 DEGREES 24 MINUTES 07 SECONDS, ALONG SAID EAST LINE, A DISTANCE OF 1153.40 FEET; THENCE NORTH 89 DEGREES 23 MINUTES 54 SECONDS WEST, A DISTANCE OF 140.71 FEET; THENCE NORTH 53 DEGREES 51 MINUTES 58 SECONDS WEST, A DISTANCE OF 140.71 FEET; THENCE NORTH 75 DEGREES 57 MINUTES 06 SECONDS WEST, A DISTANCE OF 140.95 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 225.86 FEET; THENCE SOUTH 79 DEGREES 16 MINUTES 26 SECONDS WEST, A DISTANCE OF 273.85 FEET; THENCE NORTH 69 DEGREES 27 MINUTES 15 SECONDS WEST, A DISTANCE OF 315.65 FEET; THENCE SOUTH 76 DEGREES 33 MINUTES 53 SECONDS WEST, A DISTANCE OF 330.42 FEET; THENCE NORTH 57 DEGREES 58 MINUTES 32 SECONDS WEST, A DISTANCE OF 111.93 FEET; THENCE SOUTH 71 DEGREES 19 MINUTES 35 SECONDS WEST, A DISTANCE OF 192.86 FEET; THENCE NORTH 68 DEGREES 40 MINUTES 52 SECONDS WEST, A DISTANCE OF 218.11 FEET TO THE EAST LINE OF STORM SEWER, SANITARY SEWER & WATERMAIN EASEMENT DOC. #785979; THENCE SOUTH 07 DEGREES 00 MINUTES 05 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 248.97 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 1,368,797 S.F., MORE OR LESS.

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STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

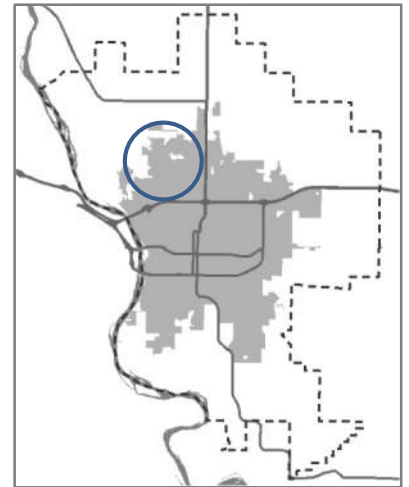
Agenda Item #13
December 20, 2017

Application for: Special Use Permit

TRAKiT Project ID: SUP2017-013

Project Summary

<i>Title:</i>	Lot 1, Block 1, Legacy Addition (4600 Durango Drive)
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Legacy United Methodist Church
<i>Project Contact:</i>	Missouri Valley Family YMCA – Carmen Traeholt
<i>Location:</i>	In northwest Bismarck, north of Ash Coulee Drive, at the intersection of North Washington Street and Durango Drive.
<i>Project Size:</i>	9.51 acres
<i>Request:</i>	Approval of a special use permit to allow the operation of a child care center.



Site Information

Existing Conditions

<i>Number of Lots:</i>	1 lot in 1 block
<i>Land Use:</i>	Religious Facility
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	RT – Residential
<i>Uses Allowed:</i>	RT – Offices and multi-family residential
<i>Max Density Allowed:</i>	RT – 30 units / acre

Proposed Conditions

<i>Number of Lots:</i>	1 lot in 1 block
<i>Land Use:</i>	Religious Facility and Child Care Center
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	RT – Residential
<i>Uses Allowed:</i>	RT – Offices and multi-family residential
<i>Max Density Allowed:</i>	RT – 30 units / acre

Property History

<i>Zoned:</i>	4/2012	<i>Platted:</i>	6/2012	<i>Annexed:</i>	6/12
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Staff Analysis

The applicant is requesting approval of a special use permit to operate a child care center in a RT -

Residential zoning district. A child care center is allowed as a special use in the RT - Residential zoning district, provided certain conditions are met. The proposed child care center is expected to comply with

(continued)

all five provisions outlined in Section 14-03-08(4)(q) of the City Code of Ordinances (Special Uses). A copy of this section of the zoning ordinance is attached.



Legacy United Methodist Church – 4600 Durango Drive

The proposed special use would provide child care services to accommodate 50-100 children 5-12 years of age. An exact number has not been provided by the applicant as they are pending a final determination from their licensor. The child care center would employ 7 staff members and will operate as an after school program from 3 pm to 6 pm during the school year and 6:30 am to 6 pm in the summer.

The child care center would use a portion of the Legacy Methodist Church. Based on the floor plans provided by the applicant, this facility has a total of 5,131 square feet intended for the child care center operations. This would allow a maximum of 147 children at this location. An outdoor play area has been constructed and measures approximately 70 feet long and 50 feet wide, or 3,500 square feet. This would provide outdoor recreation area for 47 children at any given time. The fence is constructed of black galvanized chain link.

The applicant has noted that the proposed child care center would meet all applicable requirements of the North Dakota Department of Human Services.

The applicant has noted that the proposed child care center would comply with all applicable requirements relating to health and sanitation that have been adopted by the City of Bismarck, and all requirements of the North Dakota Department of Health.

Adjacent land uses include a vacant lot to the north zoned RT-Residential, single-family residential to the east across North Washington Street, RT-zoned retail and services to the south across Durango Drive and a vacant lot to the west. A middle school is located further west of this facility.

Required Findings of Fact (relating to land use)

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance;
2. The proposed special use is compatible with adjacent land uses and zoning;
3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area;
4. Adequate public facilities and services are in place or would be provided at the time of development;
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity;
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic;
7. The proposed special use is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed special use would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit to allow the operation of a child care center within an existing religious facility on Lot 1, Block 1, Legacy Addition with the following condition:

(continued)

1. The development of the site must generally conform to the site plan submitted with the application.

2. Location Map
3. Zoning and Plan Reference Map
4. Site Plan
5. Floor Plans

Attachments

1. Section 14-03-08(4)(g) of the City Code of Ordinances
-

Staff report prepared by: Andrew Stromme, Planning Intern
Will Hutchings Planner
701-355-1850 | whutchings@bismarcknd.gov

14-03-08(4)(q)

q. Child Care Center. Child Care centers may be permitted as a special use in all zoning districts except RMH or MB districts, provided:

1. Each building shall provide not less than thirty-five (35) square feet of interior recreation area per child. Work areas, office areas, and other areas not designed for use of the children may not be counted in this computation.
2. Each lot shall provide an outdoor recreation area of not less than seventy-five (75) square feet per child. The recreation area shall be fenced, have a minimum width of twenty (20) feet, a minimum depth of twenty (20) feet, be located on the same lot or parcel of land as the facility it is intended to serve, and must be located behind the building setback lines.
3. Adequate off street parking shall be provided at the following ratio: One space for each employee and one space for each ten (10) children.
4. Child Care centers shall conform to all applicable requirements of the International Building Code and The International Fire Code as adopted by the City of Bismarck (Title 4 of the City Code of Ordinances – Building Regulations), and all requirements of the North Dakota Department of Human Services.
5. Child care centers shall comply with all applicable requirements relating to health and sanitation that have been adopted by the City of Bismarck (Title 8 of the City Code of Ordinances – Health and Sanitation), and all requirements of the North Dakota Department of Health.

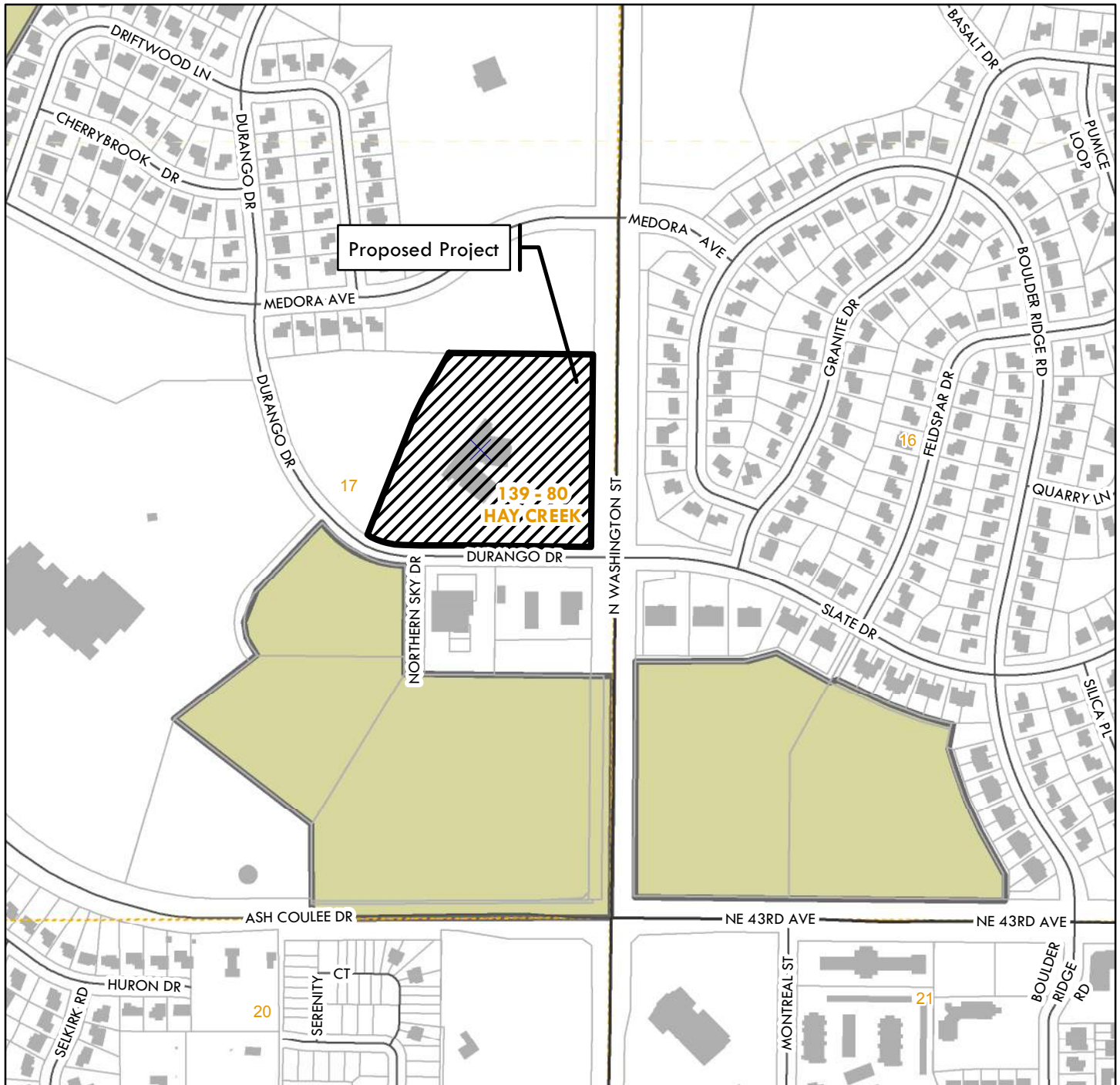


Proposed Special Use Permit (Child Care)

Lot 1, Block 1, Legacy Addition


Trakit Project SUP2017-013

Location Map



0 0.125 0.25 0.5 Miles

 City Limits

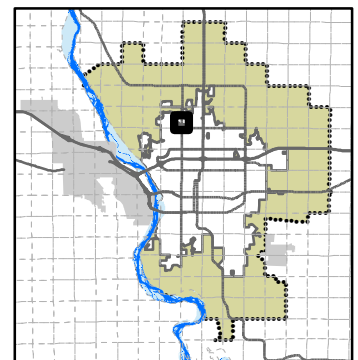
 Bismarck ETA Jurisdiction

Section, township, and range indicated in orange



City of Bismarck
Community Development Department
Planning Division
October 24, 2017 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

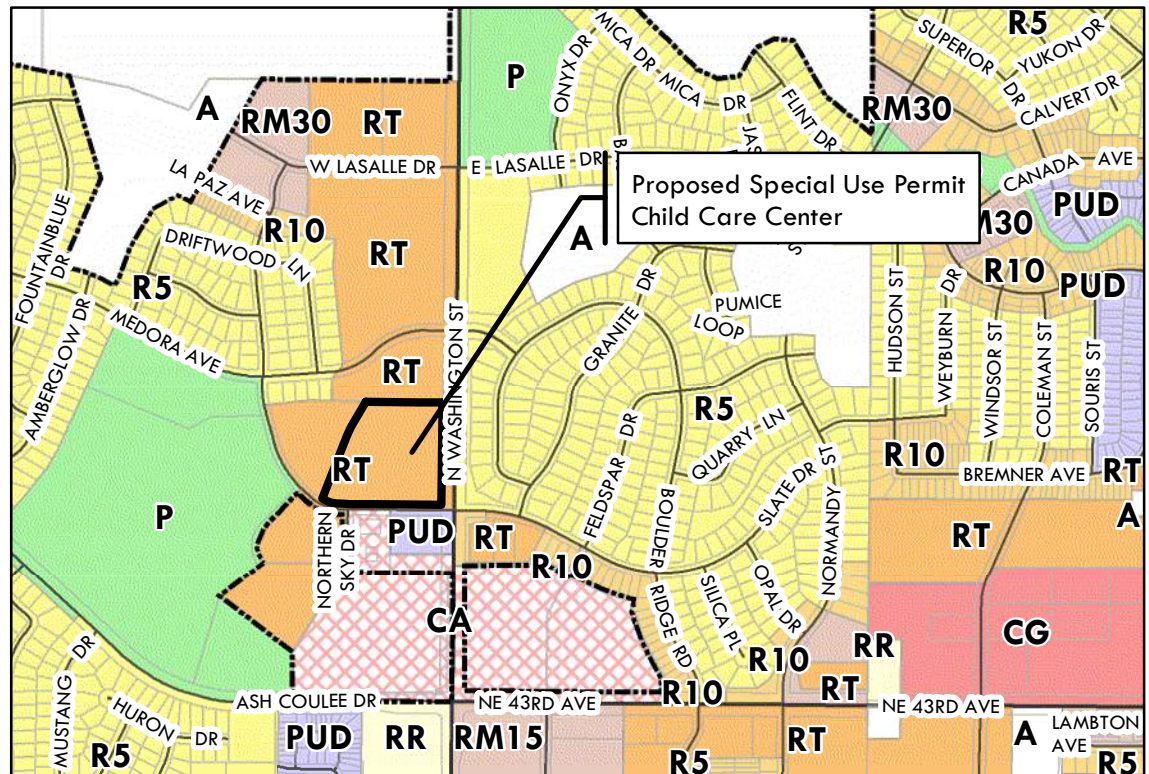


- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

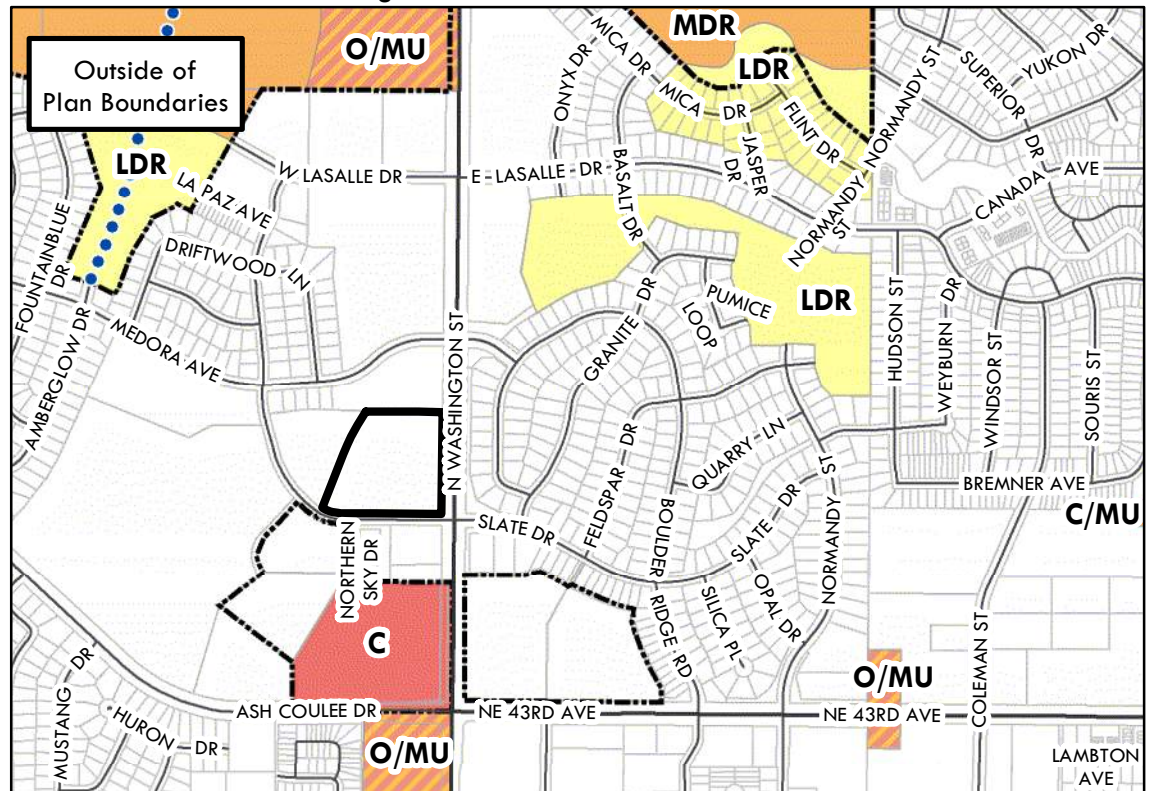
Zoning Map



Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Future Land Use Plan and Fringe Area Road Master Plan



Fringe Area Road Master Plan

- ● ● Planned Arterial
- ● ● Planned Collector

0 0.175 0.35 0.7 Miles

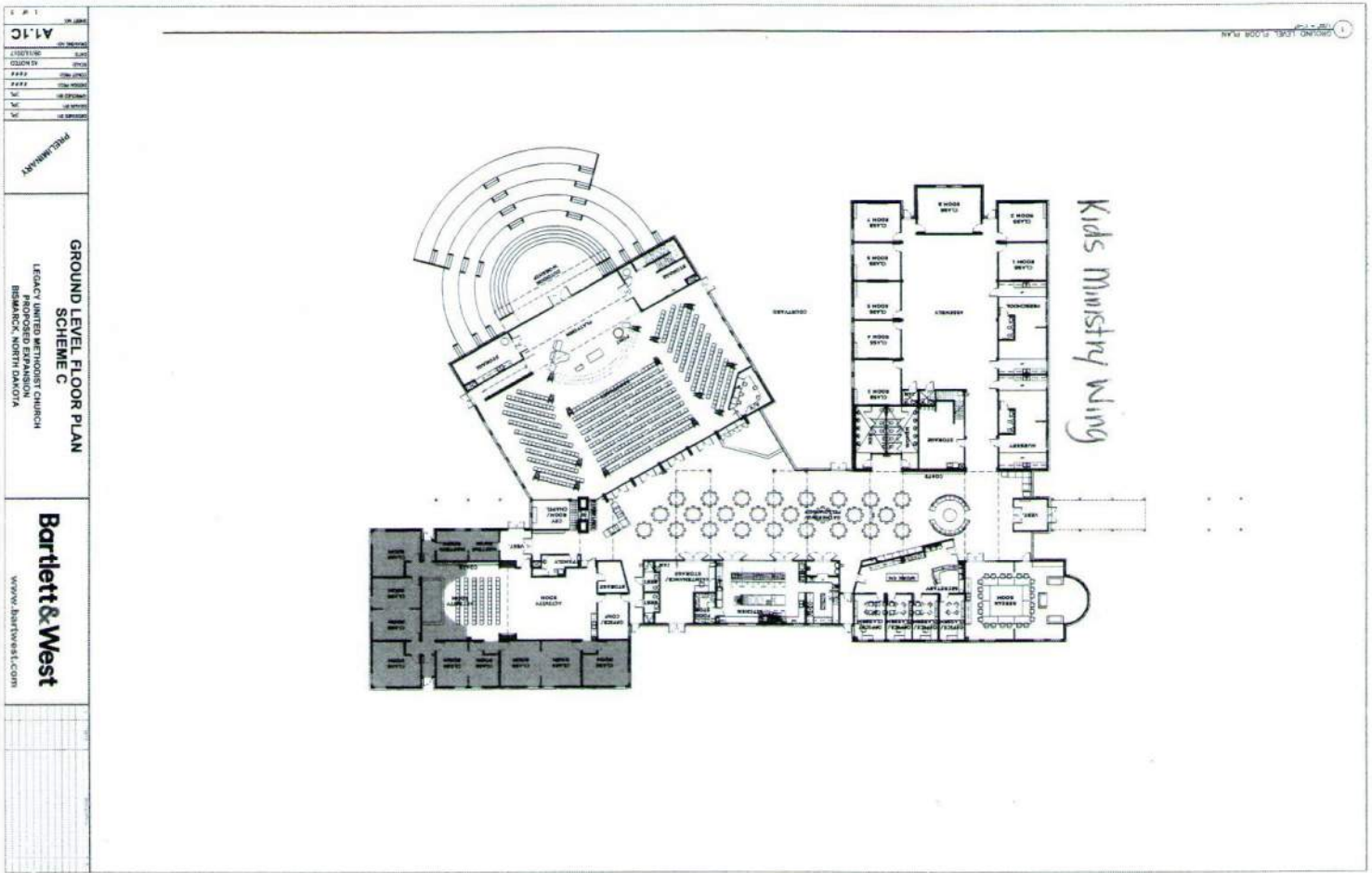
City Limits

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development Dept.
Planning Division
December 13, 2017

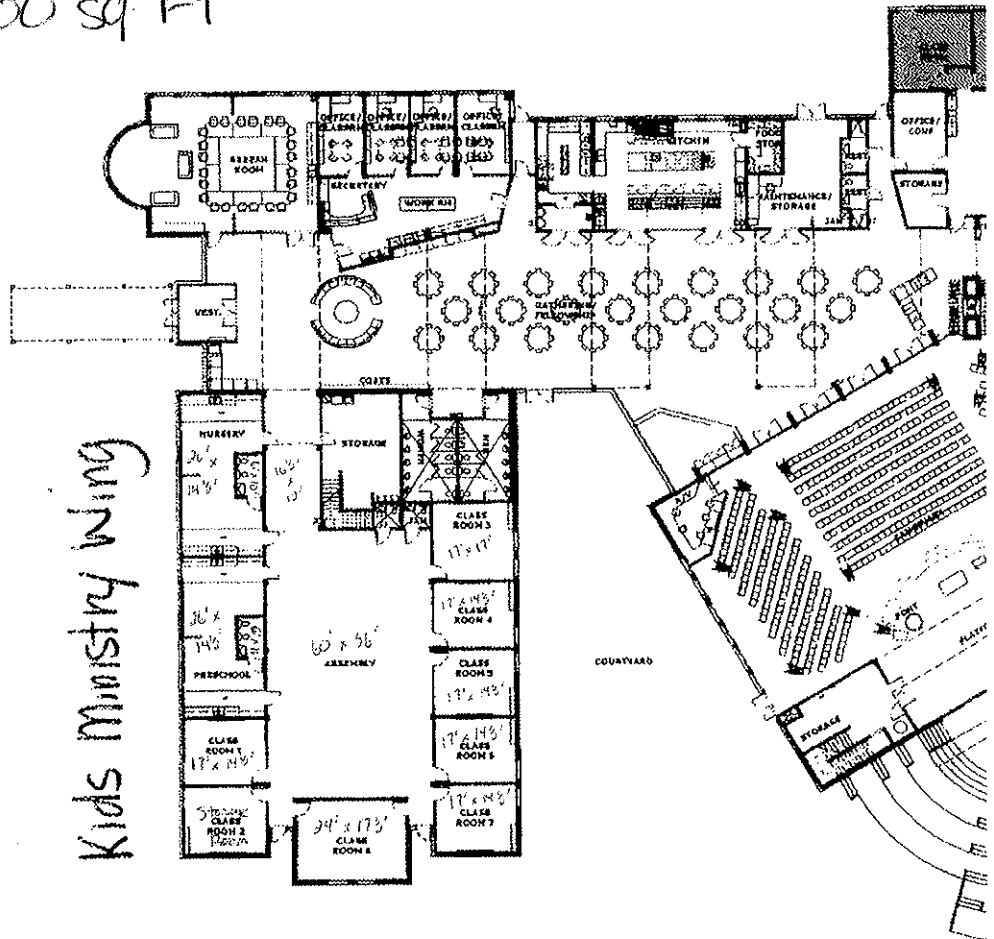
RECEIVED
 04.20.2007



playground

50 x 70

3500 sq. ft



Kids Ministry Wing

Preschool Rm - 377 sq. feet
 Room 1 - 377 sq. feet
 Room 3 - 289 sq. feet
 Room 4 - 377 sq. feet
 Room 5 - 377 sq. feet
 Room 6 - 377 sq. feet
 Room 7 - 377 sq. feet
 Room 8 - 420 sq. feet
 Assembly - 2140 sq. ft

GROUND LEVEL FLOOR PLAN

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STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item #14
December 20, 2017

Project Summary

Title:	Growth Management Plan Amendment – Urban Service Area Boundary (USAB) & Phasing Plan
Status:	Planning & Zoning Commission – Public Hearing
Project Contact:	Daniel Nairn, AICP, Planner
Request:	Modify Urban Service Area Boundary (USAB) and Phasing Plan sections of the 2014 Growth Management Plan to reduce number of phases from three (3) to two (2) and better define priority service areas from the remainder of the USAB.

Staff Analysis

The Planning and Zoning Commission considered this Growth Management Plan amendment at their meeting of November 15, 2017, and called for a public hearing.

The Urban Service Area Boundary (USAB) functions as the area of anticipated growth outside of city limits, where urban services may feasibly be provided at some point in the future. The USAB is determined by a number of factors, which include:

- The ease or difficulty of providing urban services such as sewer, water, and roadway access.
- Watershed boundaries and other environmental features of the land.
- Estimated development patterns and anticipated demand for residential, commercial, and industrial land uses.

History of USAB in Bismarck

One of the major initiatives of the 2003 Growth Management Plan (GMP) was to create and adopt an Urban Service Area Boundary (USAB). The USAB was designed to include those areas within the extraterritorial area that could be reasonably served by municipal utilities within a 10- to 15-year timeframe. The 2003 GMP also recommended that the USAB be reviewed on a regular basis and updated as needed to

reflect annexations, new facilities, updated master plans, the capital improvements program (CIP) and changes in development trends. The USAB established in 2003 was modified in 2006 and again in 2012.

The 2014 Growth Management Plan incorporated the USAB within the document and modified the 2012 version to remove areas that were below the ridge on the east side of River Road north of Burnt Boat Drive and those areas that were removed from the City's extraterritorial area by the negotiated agreement with Burleigh County. The 2014 GMP also included a Phasing Plan with three (3) phases to accommodate growth based on the aggressive growth scenario that was projected at the time.

Neither the USAB nor the Phasing Plan has been modified since the adoption of the 2014 GMP.

Proposed Amendments to USAB

Staff is pursuing amendments to the 2014 GMP to reflect a changing perspective on city growth. Concerns with the public costs associated with extending municipal services in well advance of development is leading toward a greater preference for contiguous growth that is easier to serve.

Planning staff has worked with representatives from City Administration, Engineering and Public Works on the development of an updated USAB map and Phasing Plan language that narrows the three (3)

phases in the current Phasing Plan down to two (2):
USAB Priority and USAB Future.

The USAB Priority establishes areas that are anticipated for development in the short-term because city services may be readily accessed, based on available funding. The USAB Future establishes areas that are anticipated for development in the long-term, with immediate City participation in extending services unlikely and limited. However, development in these areas may be possible with private funding for infrastructure.

The proposed amendments also remove already-developed Rural Residential areas from the Phasing Plan. The expectation is that these areas will remain in their current rural residential state as the city grows.

Ongoing Process for Evaluation

The intent is to review the USAB map on an annual basis and modify any boundaries as needed, based on the growth of the community, the availability of services that could be readily extended, modifications to the projected capacity of the respective areas, and any other relevant changes.

As USAB Priority areas develop, the USAB Priority boundary may be expanded during the annual review process. Staff does not presume that the entire USAB Priority area would need to be developed before any modifications are made. Each area and land use type

would be evaluated independently to determine where new USAB Priority areas may be added.

Required Findings of Fact (relating to land use)

1. The proposed GMP amendment would not adversely affect the public health, safety or general welfare;
2. The proposed GMP amendment is justified by a change in conditions since the GMP was adopted in 2014;
3. The proposed amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Staff Recommendation

Based on the above findings, staff recommends approval of the proposed amendment to the Urban Service Area Boundary (USAB) and Phasing Plan sections of the 2014 Growth Management Plan.

Attachments

1. Proposed amendments to 2014 Growth Management Plan (Markup Version)
2. Proposed amendments to 2014 Growth Management Plan (Clean Version)
3. Proposed amendments to USAB

Staff report prepared by: Daniel Nairn, AICP, Planner
701-355-1854 | dnairn@bismarcknd.gov

Phasing Plan

The Phasing Plan in Figure 11, as amended, illustrates the proposed timing of development in the study area, and the progression of provision of urban services within the Urban Service Area Boundary (USAB). Three progressive phasing bands Two areas compose the Phasing Plan: Urban Service Priority and Urban Service Future. Considerations in the definition of the phases are:

- Anticipated timing of when substantial development of different areas outside the current city limits is expected to occur.
- Level of support for using enhanced public infrastructure funding mechanisms to provide urban infrastructure, including roads, water, sanitary sewer and storm sewer.
- Mix of land uses assumed to be implemented in the area form a balanced mix of uses, from residential to commercial and industrial in areas more contiguous to the existing city limits to primarily single family residential in areas farther away from the current city limits.

Phase 1: Urban Service Priority

Development in the short term, from the present through approximately 2025, is anticipated to occur in this phase the Urban Service Priority areas. These areas are located within the USAB and are adjacent to the current corporate limits and in locations where existing infrastructure can readily be extended. This area These areas contains sufficient space for the full range of land uses to be accommodated even under the Aggressive Growth Scenario, with balanced distribution across the study area and a slight emphasis away from the currently developing northwest quadrant to achieve balanced growth. These areas can be supported by existing arterials and fall within the current USAB. Enhanced infrastructure funding would be promoted within this zone to aid in directing growth to these areas. Any City participation in the funding of infrastructure in the Urban Service Priority areas will be based on available funding and must be identified in advance of proposed development for inclusion in the City's annual budgeting process.

Phase 2: Urban Service Secondary Future

Development over the long term, from 2025 through 2040, is anticipated to occur in this area, after substantial utilization of previously annexed areas and the Phase 1 Urban Service Priority areas. These areas are within the USAB, but are outside of beyond the areas where development would be encouraged until development occurs within the Urban Service Priority area in the short term. As the previously annexed areas and the Urban Service Priority areas are developed, additional property would be added to the Urban Service Priority areas from the Urban Service Future areas. This phase These areas contains sufficient space to accommodate the full range of land uses out to 2040 expected in the future. If land owners wish to develop property in this area these areas prior to 2025, they would need to arrange private financing for the public infrastructure costs to extend municipal services out to these sites; infrastructure costs will naturally be higher if serving scattershot developments instead of contiguous, orderly development. The outer boundaries of this area are contiguous with the current USAB.

Phase 3: Urban Service Future

This phase is characterized as the urban fringe, but with contiguity envisioned with planned urbanized areas, over the very long term (post-2040). These areas are within the USAB, but are well outside of areas where development would be encouraged over the next 20 years. The outer boundaries of this area are contiguous with the current USAB. Rural residential is mainly envisioned here, utilizing transitional platting or a modified transitional platting approach in support of ultimately achieving urban densities.

(The following is already in the Growth Management Plan and is included here for reference only)

Implementation

Annually

Review governing plans to ensure they are current and relevant.

Review Phasing Plan areas relative to actual development patterns, and adjust as needed to promote geographically balanced growth.

Review USAB and ETA boundaries to reflect changes in development patterns or political realities.

Phasing Plan

The Phasing Plan in Figure 11, as amended, illustrates the proposed timing of development in the study area, and the progression of provision of urban services within the Urban Service Area Boundary (USAB). Two areas compose the Phasing Plan: Urban Service Priority and Urban Service Future. Considerations in the definition of the phases are:

- Anticipated timing of when substantial development of different areas outside the current city limits is expected to occur.
- Level of support for using enhanced public infrastructure funding mechanisms to provide urban infrastructure, including roads, water, sanitary sewer and storm sewer.
- Mix of land uses assumed to be implemented in the area form a balanced mix of uses, from residential to commercial and industrial in areas more contiguous to the existing city limits to primarily single family residential in areas farther away from the current city limits.

Urban Service Priority

Development in the short term-is anticipated to occur in the Urban Service Priority areas. These areas are located within the USAB and are adjacent to the current corporate limits and in locations where existing infrastructure can readily be extended. These areas contain sufficient space for the full range of land uses to be accommodated, with balanced distribution across the study area. Any City participation in the funding of infrastructure in the Urban Service Priority areas will be based on available funding and must be identified in advance of proposed development for inclusion in the City's annual budgeting process.

Urban Service Future

Development over the long term is anticipated to occur in this area, after substantial utilization of previously annexed areas and the Urban Service Priority areas. These areas are within the USAB, but are beyond the areas where development would be encouraged in the short term. As the previously annexed areas and the Urban Service Priority areas are developed, additional property would be added to the Urban Service Priority areas from the Urban Service Future areas. These areas contain sufficient space to accommodate the full range of land uses expected in the future. If land owners wish to develop property in these areas, they would need to arrange private financing for the public infrastructure costs to extend municipal services out to these sites; infrastructure costs will naturally be higher if serving scattershot developments instead of contiguous, orderly development. The outer boundaries of this area are contiguous with the USAB.

(The following is already in the Growth Management Plan and is included here for reference only)

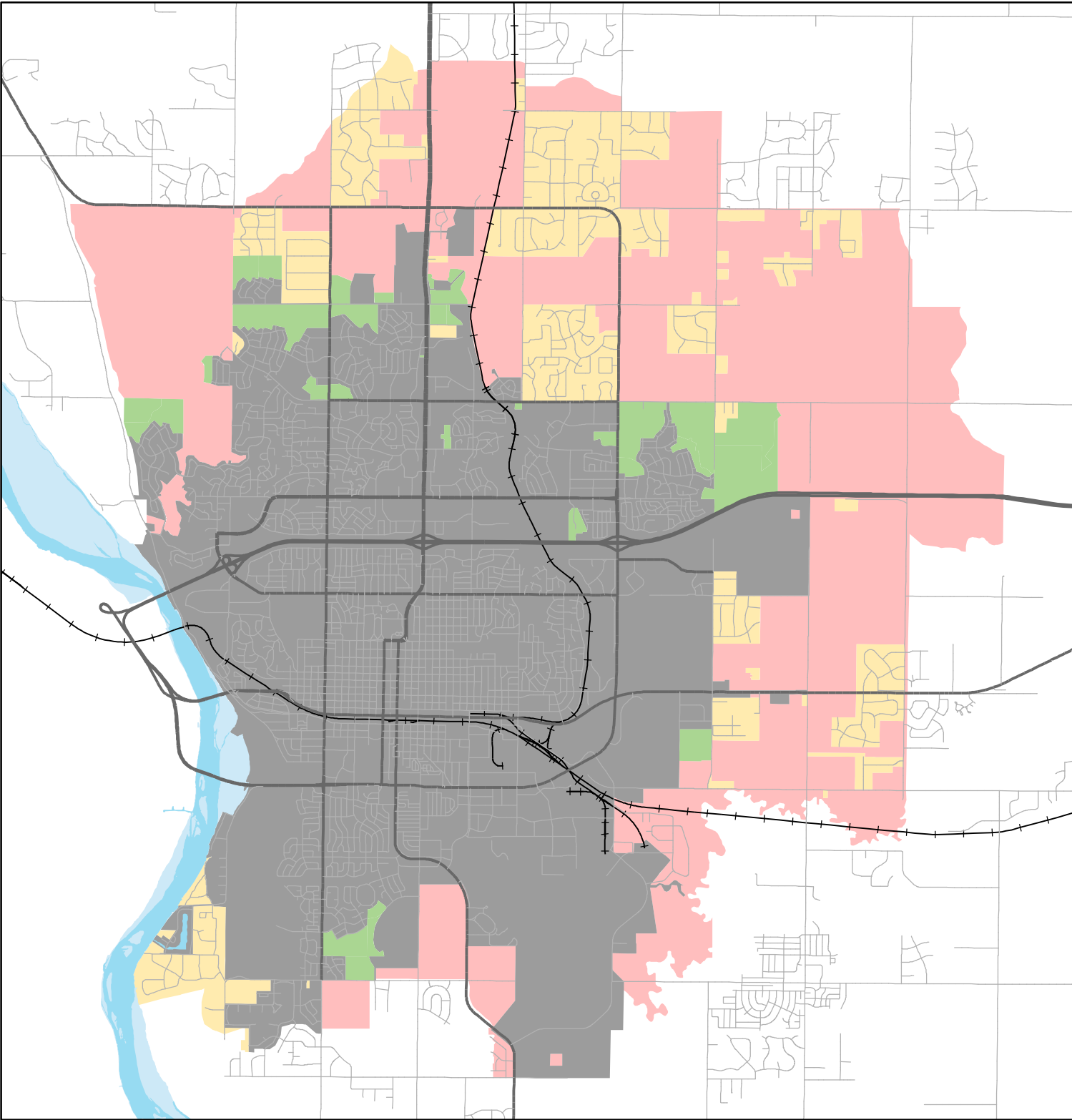
Implementation

Annually

Review governing plans to ensure they are current and relevant.

Review Phasing Plan areas relative to actual development patterns, and adjust as needed to promote geographically balanced growth.

Review USAB and ETA boundaries to reflect changes in development patterns or political realities.



Urban Service Area Boundary (USAB)

Priority - Development anticipated in the short-term because city services may be readily accessed, as funding is available.

Future - Development anticipated in the long-term and immediate City participation in extending services is unlikely. Development may occur with private funding of infrastructure costs.

Annexed

Rural Residential

04,1258,25016,500 Feet

N

This map is for reference purpose only and is not intended as a survey or accurate representation of all map features.

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PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 11/2017

*****City*****

*****ETA*****

	11/2017		11/2016		11/2017		11/2016	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	3	\$689,550.30	9	\$1,931,830.85	1	\$218,793.00	1	\$188,065.65
ROWHOUSE (2) 1-HR FIRE SEPARATION	6	\$1,239,583.50	2	\$263,586.00	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	2	\$0.00	3	\$0.00	0	\$0.00	0	\$0.00
INDUSTRIAL BUILDINGS	0	\$0.00	1	\$370,000.00	0	\$0.00	0	\$0.00
SCHOOLS & EDUCATIONAL	1	\$8,100.00	0	\$0.00	0	\$0.00	0	\$0.00
OTHER NEW	3	\$603,000.00	0	\$0.00	0	\$0.00	0	\$0.00
ROOM ADDITIONS	1	\$22,896.00	1	\$33,072.00	0	\$0.00	0	\$0.00
RESIDENTIAL GARAGES	2	\$23,488.00	4	\$44,416.00	1	\$9,672.00	5	\$137,472.00
DECKS PORCHES & COVERED PATIOS	8	\$25,830.00	8	\$21,015.00	0	\$0.00	3	\$6,300.00
OTHER	5	\$547,500.00	4	\$279,300.00	1	\$40,000.00	0	\$0.00
HOME OCCUPATION	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
STORAGE SHEDS	2	\$6,000.00	0	\$0.00	0	\$0.00	0	\$0.00
BASEMENT FINISH	8	\$40,033.00	7	\$29,231.50	0	\$0.00	0	\$0.00
COMMERCIAL BUILDINGS	6	\$555,780.00	12	\$2,304,566.00	0	\$0.00	0	\$0.00
COMMERCIAL	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	14	\$57,180.00	24	\$450,569.48	0	\$0.00	0	\$0.00
SIGN ALTERATION	1	\$4,325.00	0	\$0.00	0	\$0.00	0	\$0.00
Total	62	\$3,823,265.80	77	\$5,727,586.83	3	\$268,465.00	9	\$331,837.65

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 11/2017

*****City*****

*****ETA*****

	11/2017		11/2016		11/2017		11/2016	
Trade Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	38	\$0.00	91	\$10,020.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL	47	\$491,277.00	88	\$1,583,547.54	19	\$64,035.00	24	\$203,894.00
BUILDING MECHANICAL ALTERATION	0	\$0.00	1	\$2,644.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL NEW CONSTRUCTION	0	\$0.00	2	\$32,171.00	0	\$0.00	0	\$0.00
BUILDING PLUMBING	25	\$1,396,724.00	43	\$666,857.00	3	\$39,000.00	7	\$71,100.00
BUILDING SEPTIC	0	\$0.00	0	\$0.00	5	\$0.00	4	\$0.00
Total	110	\$1,888,001.00	225	\$2,295,239.54	27	\$103,035.00	35	\$274,994.00

**PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 11/2017**

	*****City*****		*****ETA*****	
	11/2017	11/2016	11/2017	11/2016
Living Units	Units	Units	Units	Units
OTHER NEW	0	0	0	0
MANUFACTURED HOMES	2	3	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	6	2	0	0
SINGLE FAMILY DETACHED	3	9	1	1
Total	11	14	1	1

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PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 11/2017

*****City*****

*****ETA*****

	11/2017		11/2016		11/2017		11/2016	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
CHANGE OF OCCUPANCY	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
COMMERCIAL ADDITION	12	\$38,111,785.75	5	\$16,378,480.00	0	\$0.00	0	\$0.00
COMMERCIAL ALTERATION	143	\$18,700,143.92	180	\$19,059,444.00	16	\$3,000.00	18	\$18,706,550.00
COMMERCIAL DECK	4	\$54,500.00	6	\$33,311.77	0	\$0.00	0	\$0.00
COMMERCIAL NEW	31	\$48,044,170.97	18	\$62,086,594.70	2	\$1,527,274.00	2	\$1,116,000.00
COMMERCIAL NEW AND ADDITION	0	\$0.00	38	\$19,303,398.00	0	\$0.00	2	\$657,000.00
DEMOLITION	13	\$0.00	9	\$0.00	1	\$0.00	1	\$0.00
MANUFACTURED HOME	37	\$0.00	55	\$0.00	0	\$0.00	0	\$0.00
MISCELLANEOUS	0	\$0.00	0	\$0.00	1	\$0.00	0	\$0.00
NON STRUCTURAL	2	\$0.00	4	\$110,000.00	0	\$0.00	0	\$0.00
RESIDENTIAL ACCESSORY	90	\$649,104.00	84	\$570,610.00	73	\$1,651,772.00	82	\$1,734,106.00
RESIDENTIAL ADDITION	26	\$637,646.61	35	\$1,256,007.52	23	\$1,170,794.50	25	\$779,327.25
RESIDENTIAL ALTERATION	63	\$2,024,481.34	67	\$1,749,471.48	14	\$586,410.08	8	\$219,100.00
RESIDENTIAL BASEMENT FINISH	119	\$569,337.50	133	\$654,374.75	26	\$167,781.50	39	\$212,783.85
RESIDENTIAL DECK	231	\$726,187.50	210	\$691,511.75	30	\$131,167.50	32	\$120,750.00
RESIDENTIAL HOME OCCUPATION	7	\$0.00	5	\$0.00	1	\$0.00	0	\$0.00
RESIDENTIAL NEW	270	\$51,764,066.60	343	\$63,668,680.90	43	\$11,968,673.41	34	\$9,018,731.83
RESIDENTIAL SWIMMING POOL	7	\$423,824.85	10	\$586,969.70	6	\$492,631.00	6	\$332,274.00
SIGN	104	\$928,589.71	120	\$1,381,057.07	0	\$0.00	0	\$0.00
TEMPORARY	17	\$0.00	22	\$0.00	11	\$0.00	13	\$0.00
Total	1176	\$162,633,838.75	1345	\$187,529,911.64	247	\$17,699,503.99	262	\$32,896,622.93

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 11/2017

*****City*****

*****ETA*****

	11/2017		11/2016		11/2017		11/2016	
Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	908	\$55,600.00	266	\$10,020.00	1	\$0.00	1	\$0.00
BUILDING ELECTRIC ALTERATION	0	\$0.00	468	\$661,651.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC NEW RESIDENTIAL	0	\$0.00	270	\$7,000.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC SERVICE UPGRADE	2	\$0.00	152	\$35.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ACCESSORY	0	\$0.00	21	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ELEVATOR	0	\$0.00	15	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL HVAC APPLIANCE	0	\$0.00	13	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL NEW COMMERCIAL	0	\$0.00	108	\$276,870.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL POOL	0	\$0.00	5	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL SIGN	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL	1254	\$15,249,974.16	256	\$3,334,473.54	209	\$1,448,382.63	58	\$433,107.00
BUILDING MECHANICAL ALTERATION	0	\$0.00	91	\$756,502.00	0	\$0.00	29	\$3,554,355.00
BUILDING MECHANICAL FIREPLACE	0	\$0.00	106	\$344,103.00	0	\$0.00	20	\$75,300.00
BUILDING MECHANICAL HVAC APPLIANCE	0	\$0.00	291	\$1,801,873.84	0	\$0.00	36	\$267,806.00
BUILDING MECHANICAL NEW CONSTRUCTION	0	\$0.00	388	\$12,426,481.55	0	\$0.00	57	\$1,986,345.00
BUILDING MECHANICAL OTHER	0	\$0.00	2	\$2,453.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL WATER HEATER	0	\$0.00	210	\$309,391.69	0	\$0.00	26	\$40,635.00
BUILDING PLUMBING	424	\$13,429,115.00	562	\$13,124,315.53	82	\$920,223.00	81	\$1,539,015.11
BUILDING SEPTIC	1	\$0.00	1	\$0.00	41	\$32,400.00	56	\$0.00
BUILDING SEPTIC EVALUATION	0	\$0.00	0	\$0.00	0	\$0.00	1	\$0.00
Total	2589	\$28,734,689.16	3226	\$33,055,170.15	333	\$2,401,005.63	365	\$7,896,563.11

**PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 11/2017**

*****City*****

*****ETA*****

	11/2017	11/2016	11/2017	11/2016
Living Units	Units	Units	Units	Units
HOTELS	0	111	0	0
OTHER NEW	0	0	0	0
FIVE OR MORE FAMILY	60	30	0	0
HOTELS	98	0	0	0
OTHER NEW	0	0	0	0
ROWHOUSE	0	6	0	0
FIVE OR MORE FAMILY	0	48	0	0
OTHER NEW	0	0	0	0
MANUFACTURED HOMES	37	53	0	0
2-UNIT DUPLEX OR CONDO	0	12	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	96	126	1	0
SINGLE FAMILY DETACHED	168	210	39	34
Total	459	596	40	34

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**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
November 15, 2017**

The Bismarck Planning & Zoning Commission met on November 15, 2017, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chairman Yeager presided.

Commissioners present were Tom Atkinson, Susan Axvig, Mike Donahue, Vernon Laning, Doug Lee, Gabe Schell, Mike Schwartz, Mike Seminary, Lisa Waldoch and Wayne Yeager.

Commissioner Brian Bitner was absent.

Staff members present were Carl Hokenstad – Director of Community Development, Kim Lee – Planning Manager, Jenny Wollmuth – Planner, Daniel Nairn – Planner, Hilary Balzum – Community Development Administrative Assistant, Charlie Whitman – City Attorney and Jason Hammes – Assistant City Attorney.

MINUTES

Chairman Yeager called for consideration of the minutes of the October 25, 2017 meeting.

MOTION: Commissioner Lee made a motion to approve the minutes of the October 25, 2017 meeting, as presented. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Atkinson, Axvig, Donahue, Laning, Lee, Schell, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

CONSIDERATION

- A. LOT 2, BLOCK 1, BOULDER RIDGE 5TH ADDITION – ZONING CHANGE**
- B. LOTS 4 AND 5, BLOCK 1, DUEMELAND’S THIRD ADDITION – ZONING CHANGE**
- C. PART OF THE N1/2 OF SECTION 17, T139N-R80W/HAY CREEK TOWNSHIP – ZONING CHANGE**
- D. PART OF THE NW1/4 OF SECTION 16, T139N-R80W/HAY CREEK TOWNSHIP – ZONING CHANGE**
- E. 2014 GROWTH MANAGEMENT PLAN AMENDMENT – URBAN SERVICE AREA BOUNDARY AND PHASING PLAN**

Chairman Yeager called for consideration of the following consent agenda items:

- A. Lot 2, Block 1, Boulder Ridge 5th Addition – Zoning Change
- B. Lots 4 and 5, Block 1, Duemeland’s Third Addition – Zoning Change
- C. Part of the N1/2 of Section 17, T139N-R80W/Hay Creek Township – Zoning Change

- D. Part of the NW1/4 of Section 16, T139N-R80W/Hay Creek Township – Zoning Change
- E. 2014 Growth Management Plan Amendment – Urban Service Area Boundary and Phasing Plan

Commissioner Schell said he would like to remove item E for further discussion.

MOTION: Based on the findings contained in the staff reports, Commissioner Lee made a motion to approve consent agenda items A, B, C and D, calling for public hearings on the items as recommended by staff. Commissioner Laning seconded the motion and it was unanimously approved with Commissioners Atkinson, Axvig, Donahue, Laning, Lee, Schell, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

Commissioner Schell said if there is the potential for the Growth Management Plan to be amended, he would really like the public to be engaged in giving their comments if a public hearing is scheduled, as this is something that could affect the citizens and the community as a whole.

MOTION: Based on the findings contained in the staff report, Commissioner Schell made a motion to approve consent agenda item E, calling for a public hearing on the item as recommended by staff. Commissioner Donahue seconded the motion and it was unanimously approved with Commissioners Atkinson, Axvig, Donahue, Laning, Lee, Schell, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

FINAL CONSIDERATION - ANNEXATION PUBLIC HEARINGS – ZONING CHANGE AND FINAL PLAT SATTLER’S SUNRISE TENTH ADDITION

Chairman Yeager called for the public hearing on the final plat; the zoning change from the A-Agricultural and P-Public zoning districts to the R5-Residential, R10-Residential and P-Public zoning districts; and final consideration of the annexation of part of Sattler’s Sunrise Tenth Addition. The proposed plat is 80 lots in 10 blocks on 32.3 acres and is located in northeast Bismarck, north of East Century Avenue and east of Roosevelt Drive. (a replat of part of Lot 25, Block 1, Sattler’s Sunrise 9th Addition and part of the E ½ of Section 24, T139N-R80W/Hay Creek Township).

Mr. Nairn gave an overview of the request, including the following findings related to land use for the annexation:

1. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed.

2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck.
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice.
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Mr. Nairn then gave the findings related to land use for the zoning change:

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed zoning change is compatible with adjacent land uses and zoning.
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner.
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Mr. Nairn then gave the findings related to land use for the final plat:

1. All technical requirements for approval of a final plat have been met.
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission.

3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended.
4. The storm water management plan for the subdivision has been approved by the City Engineer.
5. The requirements of the neighborhood parks and open space policy have been waived by the Bismarck Parks and Recreation District.
6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
7. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed.
8. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development.
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Mr. Nairn said since the time the staff report was prepared, the City Engineer has approved the stormwater management plan and staff is changing their recommendation from continue to approval of the annexation, zoning change and final plat. He added that an additional condition pertaining to an access easement outside of the plat is also being recommended by staff.

Mr. Nairn said the developer has provided a master plan for this area as an extension of the existing Sattler Sunrise developments and they do own the remainder of the section as well. He said they intend to include some multi-family residential dwellings in addition to the single-family dwellings planned and staff concurs that this complies with the future land use plan, which defines the area as Medium Density Residential. He added that the proposed annexation is not for the entire subdivision, only the north half along Calgary Avenue, which would be developed first, and the remainder would be annexed in the future. He said the City ordinance requires 66 foot rights-of-way and standard curb, which is a shear vertical curb seen in most of the community. He said previous Sattler Sunrise developments

have used mountable curb and a 60-foot right-of-way and that within this addition they requested the narrower right-of-way and mountable curb. He said staff discussed these requests at length and the ordinance gives the City Engineer discretion over those items. He said the City Engineer decided that Calgary Avenue would be the best dividing line, with the northern portion adhering to the ordinance and the southern portion continuing with the existing mountable curb and 60-foot rights-of-way. He said the submitted plat reflects the City Engineer's decision.

Mr. Nairn said, based on the above findings, staff recommends approval of the annexation, zoning change from the A – Agricultural and P-Public zoning districts to the R5 – Residential, R10-Residential and P-Public zoning districts, and the final plat for Sattler's Sunrise Tenth Addition, with the following conditions:

1. A temporary turnaround complying with fire apparatus access roadway standards will be installed at the northern terminus of Tyndale Drive before any building permits are issued on a lot north of the intersection of Tyndale Drive and Meigs Drive.
2. An access easement for the temporary turnaround is granted in conjunction with recording of the final plat.

Commissioner Seminary asked if it safe to assume that a continuation of Calgary Avenue will be constructed and asked if development to the east would be allowed to use mountable curb.

Mr. Nairn said that growth is expected to the east and it would likely be required to follow the design standards, but he would like to defer to the City Engineer for further explanation of the curb.

Commissioner Schell explained that use of mountable curb would be allowed until it meets a section line. He said the point of logical termini would be 52nd Street NE and that this information has been communicated to the applicant.

Commissioner Lee asked what the main differences are between mountable curb and standard curb.

Mr. Nairn said that City staff has discussed this and determined a preference for standard curb. He said that, from the perspective of the developer, the mountable curb has the advantage of not having to be cut out in the future when a driveway is located and installed. He added that, however, standard curbs provide several benefits, because they are able to catch and direct stormwater more effectively, they are easier for snowplows to find which prevents damage of grass, and they are the standard that has been used in Bismarck for many years.

Chairman Yeager asked if the school district has been notified of these requests so they can prepare for additional students. Ms. Lee said they are notified when the request first comes

in and they see the agendas when they are released. She said she has not received any comments from them on this particular request. Chairman Yeager opened the public hearing.

David Boehm, 3430 Doubleday Drive, asked who would be responsible for maintaining the stormwater easement and said he was told that property had been donated to Bismarck Parks and Recreation District (BPRD). He said there is a significant amount of cattails and water fowl in the stormwater area behind his home that is becoming a nuisance.

Commissioner Schell said the easement would be large enough for BPRD to extend the existing walking path and could also have the potential for a shared maintenance agreement. He said they do want to identify any existing stormwater issues and correct them according to the master plan of that area.

Chairman Yeager asked if the issues can be addressed now and if there would be the option for the classification of that property as a wetland.

Commissioner Schell said it would not likely be classified as a wetland and their primary concern is to keep the stormwater flowing through the area properly.

An additional written comment in opposition to the requests is attached as Exhibit A.

There being no further comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to recommend approval of the partial annexation, the zoning change from the A – Agricultural and P-Public zoning districts to the R5 – Residential, R10-Residential and P-Public zoning districts, and the final plat for Sattler’s Sunrise Tenth Addition, with the following conditions: 1. A temporary turnaround complying with fire apparatus access roadway standards will be installed at the northern terminus of Tyndale Drive before any building permits are issued on a lot north of the intersection of Tyndale Drive and Meigs Drive; and 2. An access easement for the temporary turnaround is granted in conjunction with recording of the final plat. Commissioner Waldoch seconded the motion and the request was unanimously approved with Commissioners Atkinson, Axvig, Donahue, Laning, Lee, Schell, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

PUBLIC HEARINGS – ZONING CHANGE AND FINAL PLAT HR SUBDIVISION

Chairman Yeager called for the public hearing on the final plat and the zoning change from the A-Agricultural and RR-Residential zoning districts to the RR-Residential zoning district for HR Subdivision. The proposed plat is one lot in one block on 2.29 acres and is located northwest of Bismarck, west of River Road, south of Burnt Creek Loop along the west side

of Fernwood Drive. (Auditor's Lot M, NE¼ and Auditor's Lot L of Lot 4 Hanson Subdivision, of the NE¼ of Section 14, T139N-R81W/Haycreek Township).

Ms. Wollmuth gave an overview of the requests, including the following findings related to land use for the zoning change:

1. The proposed zoning change is in a developed portion of the community and is outside of the area covered by the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed zoning change is compatible with adjacent land uses and zoning.
3. Burleigh County and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.
4. The Hay Creek Township Board of Supervisors has recommended approval of the proposed zoning change.
5. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.
6. The zoning change is in the public interest and is not solely for the benefit of a single property owner.
7. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
8. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.
9. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Ms. Wollmuth then gave the findings related to land use for the final plat:

1. All technical requirements for approval of a final plat have been met.
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission.
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended.
4. The stormwater management plan for the subdivision has been approved by the City Engineer with written concurrence from the County Engineer.

5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts.
6. The Hay Creek Township Board of Supervisors has recommended approval of the proposed final plat.
7. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
8. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed.
9. The proposed subdivision is located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain. However, the subdivision is proposed to be developed according to existing ordinance requirements pertaining to development in the floodplain and therefore, the proposed development would not adversely impact water quality and/or environmentally sensitive lands.
10. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
11. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
12. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth said, based on the above findings, staff recommends approval of the zoning change from the A – Agriculture and RR – Residential zoning districts to the RR – Residential zoning district and final plat for HR Subdivision.

Commissioner Schell pointed out that the preliminary plat for HR Subdivision was granted tentative approval in July and asked why there has been a delay in the final plat being submitted and what has transpired since the preliminary plat was approved.

Ms. Wollmuth said there were some items to be addressed in the title work and getting some other technical issues resolved. She said Hay Creek Township also submitted their recommendation which made reference to there being no right-of-way within the plat, but that concern has since been resolved as well.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Schwartz made a motion to approve the zoning change from the A – Agriculture and RR – Residential zoning districts to the RR – Residential zoning district and final plat for HR Subdivision. Commissioner Laning seconded the motion and the requests were unanimously approved Commissioners Atkinson, Axvig, Donahue, Laning, Lee, Schell, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – ZONING CHANGE
LOT 7, BLOCK 3, KMK ESTATES**

Chairman Yeager called for a public hearing on a zoning change from the R5-Residential zoning district to the R10-Residential zoning district for Lot 7, Block 3, KMK Estates. The property is located in northwest Bismarck, west of North Washington Street along the south side of Buckskin Avenue.

Ms. Wollmuth gave an overview of the request, including the following findings related to land use:

1. The proposed zoning change is in a developed area of the community and is outside of the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed zoning change is compatible with adjacent land uses and zoning.
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner.
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends approval of the zoning change from the R5 – Residential zoning district to the R10 – Residential zoning district on Lot 7, Block 3, KMK Estates.

Chairman Yeager opened the public hearing.

Jeff Ternes, 3803 High Meadow Circle, said he has a number of concerns and does not agree with the staff recommendation to approve this request. He said the zoning was just changed in 2016 to R5-Residential and he has lived there for three years. He said he chose the location because it was next a single-family zoned area and, even with it being transitional zoning, R10 would still allow almost 50 units. He said the development concept is misleading and shows independent development with substandard streets. He said the City Engineering Department has completely failed to install curb and gutter on Arabian Avenue and other surrounding streets, but he was required to remove his boulevard gravel and replace it with pavers. He said he is not seeing much follow-through on some issues and is really concerned with there being 26 units shown on the development plan, but the zoning would actually allow 50. He said the City would not maintain a substandard street so a Homeowner's Association would have to be assembled and he has seen those associations fail a number of times and then nothing gets maintained properly. He added that the proposed pipeline easement is different compared to the plat when he built his home and he does not feel the zoning change should even be considered without a replat plan of the property. He said this seems misleading especially to those who are not familiar with the process and feels this development would end up being lower cost housing for lower income residents and resembles a trailer park concept. He said there are other R10 areas nearby that are not backed up to single-family homes and he does not have much faith in the City Engineering Department. He asked that developments on incomplete streets be considered more carefully and he would like to see these requests be denied until more firm plans are available.

Steve Robinson, 505 Buckskin Avenue, said he agrees with the previous comments and feels a change from R5 to R10 would not be consistent with the surrounding area. He said he is concerned it would affect the character and nature of the neighborhood.

Ken Nysether, SEH, Inc., said Kaneb, which obtains the pipeline easement, has changed its requirements as they relate to setbacks and buffers from their pipelines. He said the development would contain a 20-foot wide private drive and a plat has not been planned yet because the allowable size of the lots is not firm, because that would be based on the zoning district. He said the developers' intent is not to build the property to its maximum allowable density. He said the intent is for the development of twinhomes totaling 26 units. He said they are looking at the installation of curb and gutter in order to avoid any additional stormwater issues as well.

Commissioner Schell asked if there is any information available at this time regarding improvements to Buckskin Avenue. Mr. Nysether said those requirements have not been detailed yet but they recognize that they may come up as part of this project. He said the requirements will be accommodated as needed.

Commissioner Waldoch said she is familiar with the proposed developer and is confident the twinhomes would be attractive and added that the adjacent owners should be pleased to have somebody who does high-quality work.

Mr. Nysether said they also would not take a project that they are not confident in and are always cautious when it comes to the quality of a development.

Mr. Ternes said if the developer ends up being somebody else, they could potentially build the property to its maximum density which means it could still end up being 50 rental or stacked units.

Commissioner Waldoch said the size of the property with the required building setbacks would not allow that many units to be built.

Ms. Wollmuth added that zoning does not regulate ownership and a single-family home could be rented out if the owner desires to do so.

Mr. Ternes said it has only been one year since this property was zoned R5 and the Planning and Zoning Commission needs to do what is best for the community. He said there also is not any utility easements and 100 feet of right-of-way would be needed to accommodate the pipeline easement as well.

Chairman Yeager said all of those regulations have to be met before a plat is approved or building permits are issued, so those types of concerns are a non-issue at this time. He said he encourages Mr. Ternes to contact the Planning Division and they will answer his technical questions. He said the request at this time is only for the zoning change and that is what needs to be addressed.

Mr. Ternes said he has attempted to speak with City staff and has not had the best experiences in doing so.

There being no further comments, Chairman Yeager closed the public hearing.

Ms. Wollmuth added that the minimum lot size in an R5 district is 7,000; in an R10 district it is 3,500 square feet for one half of a twinhome and 3,500 square feet for the other half. She said two-unit buildings would be an allowable use in the R10 district, but not rowhouses with more than two units.

Commissioner Schell asked what the criteria is that is followed when determining an appropriate buffer distance and if there has ever been a time when an R10 district has not been allowed next to an R5 district.

Ms. Wollmuth said R10 allows one and two-family dwellings and is considered a compatible transition from an R5 district.

Mr. Nairn pointed out that this zoning change would also be adjacent to and an extension of an existing R10-Residential zoning district to the east.

Commissioner Seminary asked if the request is approved now and the developer changes his mind, could apartments then be developed instead. Ms. Wollmuth said that would not be allowed unless another zoning change was approved first.

Commissioner Schell said this area was master planned for stormwater to be R5-Residential, so a discussion of ponds and water storage with it changing to R10 would have to take place.

Commissioner Axvig asked if it is possible to require curb and gutter on the 20-foot private street. Commissioner Schell said there is not any private street criteria defined but the widths do need to accommodate the development and curb and gutter could be discussed once a plat is submitted.

Commissioner Lee said he is always reluctant to increase density when people bought their properties when a different zoning was already in place. He said the change is transitional and they have only seen preliminary drawings, adding that there is a long way to go from now until construction actually starts. He said there are still reviews and other means of control ahead before this is approved and ready to be implemented.

Commissioner Axvig said backing out of a driveway onto Buckskin Avenue could be difficult as well.

Commissioner Schell said the goal is to determine what is compatible with adjacent uses and it is all a delicate balance. He said not all change is bad and if the opinion of staff is that the change is considered compatible then he can support that. He said denying infill and redevelopment would have other negative impacts for the whole city.

Commissioner Seminary said there was a lot of discussion related to this property back in 2006 when it was being annexed. He said it has been one of the more challenging developments because it has been pieced together and it could be argued that Buckskin Avenue will change dramatically with time and once it is constructed to the required urban standards. He added that he is comfortable knowing these changes have a lot of oversight and staff takes their jobs seriously.

Chairman Yeager said further conditions can be placed on the proposed development at the time the plat is considered if one is submitted.

Ms. Lee said the neighborhood would also be notified again if a plat is received and a public hearing is scheduled for it.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to deny the zoning change from the R5-Residential zoning district to the R10-Residential zoning district for Lot 7, Block 3, KMK Estates. Commissioner Donahue seconded the motion and with Commissioners Axvig, Donahue, Lee and Schwartz voting in favor of the motion and Commissioners Atkinson, Laning, Schell, Seminary, Waldoch and Yeager opposing the motion, the motion failed.

MOTION: Based on the findings contained in the staff report, Commissioner Seminary made a motion to recommend approval of the zoning change from the R5 – Residential zoning district to the R10 – Residential zoning district on Lot 7, Block 3, KMK Estates. Commissioner Laning seconded the motion and the request was approved with Commissioners Atkinson, Laning, Schell, Seminary, Waldoch and Yeager voting in favor of the motion. Commissioners Axvig, Donahue, Lee and Schwartz opposed the motion.

PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT NONCONFORMING USES

Chairman Yeager called for the public hearing on a zoning ordinance text amendment relating to nonconforming uses.

Ms. Lee explained that the City’s Board of Adjustment regularly hears requests for variances from owners of single and two-family homes for additions that are in line with the existing setbacks and many of these are before the Board of Adjustment because the residences are currently nonconforming structures by reason of setback. She said the proposed amendment would allow the construction of an addition to such nonconforming structures without a variance in situations when: the nonconforming setback is not further reduced; the building separations are not further reduced; the height is not further increased; and no additional nonconforming conditions are created. Ms. Lee added that this ordinance amendment works hand-in-hand with the recently-adopted contextual front yard setback ordinance and said if there are conflicting provisions between the two, the most restrictive provision would apply.

Ms. Lee then gave the following findings:

1. The proposed text amendment would not adversely affect the public health, safety or general welfare.
2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance.
3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Lee said, based on the findings in the staff report, staff recommends approval of the zoning ordinance text amendment for Section 14-03-09 (Nonconforming Uses) of the City Code of Ordinances, as presented.

Commissioner Laning asked if the current structure is set back 15 feet and the owner wanted to add on, that addition would be set back 15 feet as well. Ms. Lee said that is correct, that they can be set back the same distance, but not less.

Commissioner Schwartz asked if the Board of Adjustment is aware of this change and is comfortable with it. Ms. Wollmuth said they can run it by them, but they will probably be agreeable to it. She said from what she can recall; they have never turned down a variance for a request of this nature.

Ms. Lee said they will notify the Board of Adjustment of the change prior to forward the amendment to City Commission for final approval.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to recommend approval of the zoning ordinance text amendment for Section 14-03-09 (Nonconforming Uses) of the City Code of Ordinances, as presented. Commissioner Schwartz seconded the motion and the request was unanimously approved with Commissioners Atkinson, Axvig, Donahue, Laning, Lee, Schell, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

OTHER BUSINESS

Chairman Yeager said after 9 years on the Planning and Zoning Commission, Commissioner Waldoch has put in her formal notice of resignation. He presented her with a certificate of appreciation and thanked her for her years of dedication to the Commission.

Commissioner Waldoch said she has been so pleased and thankful to serve for the last 9 years and was flattered with being appointed by the former Mayor Warford. She said she loves the community and this Commission and has a high amount of respect for the very dedicated and talented Planning staff as well.

ADJOURNMENT

There being no further business, Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 6:11 p.m. to meet again on December 20, 2017.

Respectfully submitted,

Hilary Balzum
Recording Secretary

Wayne Yeager
Chairman

From: [Planning - General Mailbox](#)
To: [Hilary Balzum](#)
Subject: FW: Sattler Zoning Change
Date: Tuesday, November 14, 2017 8:16:08 AM

From: Brian Mehlhoff [mailto:]
Sent: Monday, November 13, 2017 9:24 AM
To: Planning - General Mailbox <planning@bismarcknd.gov>
Subject: Sattler Zoning Change

I am writing in regards to the final plat for Sattler's Sunrise 10th Edition. I am not in favor of the zoning changes and wish the land to continue to be undeveloped. I live on Northrop Dr. and do not want the disturbance of construction in my back yard for the next couple of years. I also hate to see the urban sprawl that has been going on in Bismarck. I grew up in Bismarck near the city center back in the 80s. I remember when Stan Pucklich was considered way out of town. I believe the more and more we keep spreading out the city center will suffer with more vacancies and crime. There are currently over 400 houses for sale in the city of Bismarck and don't think we need more housing. I would rather see the current vacancies filled and those neighborhoods revitalized. I also don't think Sunrise school can handle any more children. They are already at max enrollment. There are always a handful of houses already for sale in the Sunrise Plat if people want to move to the neighborhood. I also think it is not financially responsible for the city to expand when we are experiencing a budget shortfall across the state due to the oil boom decreasing. I don't think housing is in as much need as it was back when the oil boom hit. Thank you for your consideration.

Brian Mehlhoff
3405 Northrop Dr
Bismarck, ND